IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DIANE D. JONES, individually and on behalf of herself and all others similarly situated, *Plaintiff,* v. REALPAGE, INC. d/b/a LEASINGDESK SCREENING, *Defendant.*	§ § § § § § § § § § § § § §	Civ. No. 3:19-cv-02087-B

APPENDIX TO PLAINTIFF'S MOTION TO CERTIFY CLASS

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2	Excerpts of the RealPage LeasingDesk Screening Policies & Procedures document, bearing the Bates numbers REALPAGE/JONES 000238-242	019
3	Transcript of the deposition of Pavithra Ramesh, taken in this litigation on August 9, 2019 (redacted portions are filed under seal)	025
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Exhibit 1

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

DIANE D. JONES and JAMES ARNOLD,	
Plaintiffs,	Case No. 1:19-cv-501-JG
v.	
	District Court Judge James S. Gwin
REALPAGE, INC. d/b/a LEASINGDESK SCREENING,	
	Magistrate Judge William H. Baughman
Defendant.	

DEFENDANT'S FIRST SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES IN CONNECTION WITH DEFENDANT'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION OR TO TRANSFER VENUE

Pursuant to Fed. R. Civ. P. 26 and 33, Defendant RealPage, Inc. d/b/a LeasingDesk Screening, ("RealPage" or "Defendant") objects and responds to Plaintiffs' First Set of Interrogatories in Connection with Defendant's Motion to Dismiss for Lack of Personal Jurisdiction or To Transfer Venue as follows:

PRELIMINARY STATEMENT

Defendant has not yet completed its investigation of the facts relating to this action, has not yet completed its discovery, and has not yet completed its preparation for trial. Consequently, the following responses are provided without prejudice to Defendant's right to introduce, at the time of trial or other proceedings, subsequently discovered information relating to the proof of presently known material facts and to introduce all information, whenever discovered, relating to

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the proof of subsequently discovered material facts. However, Defendant does not assume any duty of ongoing amendment to these responses.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1.   RealPage objects to the definition of "Defendant/You/Your" insofar as it includes any "agency, subsidiary(ies), parent corporation(s) and/or any of its branches, departments, employees, agents, contractual affiliates, or others connected by legal relationship, in the broadest sense." This definition is vague, ambiguous, and woefully overly broad and unduly burdensome, given that it would encompass third parties or entities, whose information and/or documents are not within RealPage's possession, custody, or control, or whose information has no relevance or bearing on the claims or defenses at issue in this matter.

2.   RealPage objects to these Requests to the extent they request documents or information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because many of these Requests are not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP,* 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018).

RESPONSES TO INTERROGATORIES

1.   Please state the total number of employees hired by RealPage (and/or any of its subsidiaries) who either resided and/or worked in Ohio during the Relevant Time Period.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth

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by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP*, 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017. RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information.

Subject to and without waiving any of its objections, RealPage states that there are currently 283 employees employed by RealPage who work on the LeasingDesk team and only one of these employees, who works remotely, resides in Ohio.

2.   Please state the names, addresses, and last known contact information of all employees hired by RealPage (and/or any of its subsidiaries) who either resided and/or worked in Ohio during the Relevant Time Period, including the LeasingDesk employee located in Ohio mentioned in Defendant's Motion to Dismiss and Declaration of James Hilliard filed on June 10, 2019.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP*, 293 F. Supp.

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3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). Moreover, RealPage objects to this Interrogatory to the extent it seeks disclosure of private information of its employees, which is irrelevant to the claims and defenses asserted in this litigation and which is not necessary for the purposes of deciding the existence of personal jurisdiction.

Subject to and without waiving any of its objections, RealPage identifies Christina Day, a current employee who works on the LeasingDesk team, who may only be contacted through RealPage's counsel of record.

3. Please state the total amount of RealPage's (and/or any of its subsidiaries') customers located in Ohio during the Relevant Time Period, and list separately the number of customers located in Ohio who used the LeasingDesk software during the Relevant Time Period.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP,* 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017.

RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information.

Subject to and without waiving any of its objections, RealPage states that the number of Ohio-based customers from 2016 through present is 2,804, which was approximately 3% of the total 93,466 customers who engaged RealPage during the same time period. RealPage further states that the number of screening reports requested by Ohio-based customers through the LeasingDesk platform from 2016 through present is 299,808, which was approximately 2.5% of LeasingDesk's total screening volume during that time.

4.   Please state the amount of RealPage's (and/or any of its subsidiaries') annual sales transacted with, and revenues earned from, customers located in Ohio during the Relevant Time Period.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP,* 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017.

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RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information.

5.   Please describe the web traffic to RealPage's (and/or any of its subsidiaries') websites during the Relevant Time Period that originated from Ohio, including the identity of people and/or entities that accessed the websites.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined terms "web traffic," "websites," and "originated." RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP,* 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017. RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information. RealPage objects to this Interrogatory as seeking irrelevant information, as the quantum of individuals located in Ohio who have chosen to visit RealPage's website(s) has no bearing on the issue of whether RealPage is subject to jurisdiction in Ohio.

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6.   Please list all Ohio state or federal government agencies that monitored the activities of RealPage (and/or any of its subsidiaries) during the Relevant Time Period, including, but not limited to, all Ohio agencies that issued a license to RealPage (and/or any of its subsidiaries), and identify the number of complaints filed by customers of RealPage with each agency.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined terms "monitored," "activities," "agencies," "license," "complaints," and "customers." RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP,* 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.,* 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017. Moreover, RealPage objects to this Interrogatory to the extent it seeks disclosure of private information of its customers, which is irrelevant to the claims and defenses asserted in this litigation and which is not necessary for the purposes of deciding the existence of personal jurisdiction. RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information. RealPage

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objects to this Interrogatory as seeking irrelevant information, as the filing of any "complaints" by Ohio-based customers has no bearing on the issue of whether RealPage is subject to jurisdiction in Ohio.

Subject to and without waiving any of its objections, from 2016 through present, RealPage has not been the subject of any state or government agency inquiry in Ohio. RealPage further responds that it is licensed to do business in Ohio by the Ohio Secretary of State.

7.   Please state the total amount of background reports compiled by RealPage (and/or any of its subsidiaries) on Ohio residents during the Relevant Time Period.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP*, 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017. RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information.

Subject to and without waiving any of its objections, the number of screening reports requested for individuals with Ohio addresses through the LeasingDesk platform from 2016

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through present is 316,852, which was approximately 2.6% of the total 11,945,877 number of reports prepared during the same time.

8.   Please state the number of background reports compiled by RealPage (and/or any of its subsidiaries) containing a record maintained by an Ohio court during the Relevant Time Period.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP*, 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to this Interrogatory as irrelevant because the appearance of an Ohio record on a background report has no bearing on RealPage's relationship to Ohio, given that an Ohio record could be included in a report where neither the applicant nor the property has any nexus with Ohio. RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017. RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information. RealPage objects to this Interrogatory as seeking irrelevant information, as the identification of any criminal public record

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originating in Ohio by the LeasingDesk software has no bearing on the issue of whether RealPage is subject to jurisdiction in Ohio.

9.   Please state the number of Ohio residents to whom RealPage sent a copy of a background report or a full file disclosure during the Relevant Time Period.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP*, 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017. RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information. RealPage objects to this Interrogatory as seeking irrelevant information, as RealPage's response to communications initiated by consumers in Ohio has no bearing on the issue of whether RealPage is subject to jurisdiction in Ohio.

SUPPLEMENTAL ANSWER: Subject to and without waiving any of its objections, the number of individuals with Ohio addresses to whom RealPage sent a report copy or a full file

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disclosure, from 2016 through present, was 329, which was approximately .01% of the total volume of report copies or full file disclosures sent during that time.

10.   Please identify each court runner or other vendor with an address in Ohio that RealPage has retained during the Relevant Time Period to retrieve, obtain, or review records of Ohio courts.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined term "court runner." RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP,* 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.,* 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017. RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information.

Subject to and without waiving its objections, RealPage responds as follows: RealPage's criminal records vendor is not located in Ohio.

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11.   Please state the percentage of market share that RealPage (and/or any of its subsidiaries) controlled in connection with the Ohio tenant screening business during the Relevant Time Period.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined term "Ohio tenant screening business." RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP,* 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017. RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information.

Subject to and without waiving its objections, RealPage responds that it is unable to produce documents in response to this request, including because the precise volume of tenant screenings by other entities/individuals in Ohio is not public and not known to RealPage.

12.   Please identify the usage, value and square footage of real property owned, leased or used by RealPage (and/or any of its subsidiaries) in Ohio.

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ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined term "usage." RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP*, 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information.

Subject to and without waiving its objections, RealPage responds as follows: none.

13.   Please state the number of cases filed by RealPage (and/or any of its subsidiaries) in either an Ohio state court or federal court in the last ten years.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP*, 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to this Interrogatory as overbroad, including as to time, because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017.

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Subject to and without waiving its objections, RealPage responds as follows: none.

14.   Please state the number of contracts entered by RealPage (and/or any of its subsidiaries) to supply goods and services to customers located in Ohio during the Relevant Time Period.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP*, 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017. RealPage also objects to this Interrogatory to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information.

Subject to and without waiving any of its objections, RealPage states that the number of Ohio-based customers from 2016 through present is 2,804, which was approximately 3% of the total 93,466 customers during the same time.

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15.   Please identify the name and addresses of any conferences held in Ohio that were sponsored by RealPage and/or were attended by RealPage employees during the Relevant Time Period.

ANSWER: RealPage objects to this Interrogatory because it requests information that is irrelevant to the analysis of whether the Court has general personal jurisdiction over RealPage in this case, including because this Interrogatory is not related to the relevant legal standard set forth by the Supreme Court in *Daimler AG v. Bauman*, 571 U.S. 117 (2014) and followed by Courts within the Sixth Circuit. *See, e.g., Ahkeo Labs LLC v. Plurimi Inv. Managers, LLP*, 293 F. Supp. 3d 741, 749 (N.D. Ohio 2018); *Maclin v. Reliable Reports of Tex., Inc.*, 314 F. Supp. 3d 845, 849 (N.D. Ohio 2018). RealPage objects to Plaintiffs' definition of "Relevant Time Period" as "five years prior to the filing of the action and continuing through the resolution of this action," as being overly broad, including because personal jurisdiction is determined with respect to the named representative(s) and the rental screenings at issue in this action occurred in 2016 and 2017.

Dated: August 1, 2019

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         Attorneys for Defendant
         RealPage, Inc.

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VERIFICATION

I, James Hilliard, state that I have read the foregoing RealPage, Inc.'s First Supplemental Responses to Plaintiffs' First Set of Interrogatories in Connection with Defendant's Motion to Dismiss for Lack of Personal Jurisdiction or To Transfer Venue ("Responses"), and that while I do not have personal knowledge of all of the facts recited in these Responses, the information contained has been collected and made available to me by others, and these Responses are true to the best of my knowledge, information, and belief based upon the information made available to me; and that these Responses are verified on behalf of RealPage, Inc. in this litigation.

Executed on August 1, 2019

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by electronic mail and U.S. first class mail on this the 1st day of August 2019:

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Attorney for Defendant, RealPage, Inc. d/b/a Leasing Desk

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Exhibit 2

RealPage LeasingDesk Screening Policies & Procedures

This document contains the current policies and procedures relating to the LeasingDesk Screening Product and interactions with consumers.

Table of Contents

General Introduction

As part of its service to RealPage customers (primarily multi-family apartment communities), RealPage provides tenant applicant screening services. Applicant Screening refers to a collection of products and services sold by RealPage intended for use by RealPage customers for the purpose of making leasing decisions in the course of the RealPage customer's business operations. This designation spans all RealPage platforms and service offerings; including "Legacy" screening, OneSite Screening and Domin-8 screening. Legacy screening is a service conducted by RealPage for small property management companies that do not use a computer based management system. The management company sends in the screening request by fax and reports are then run on the consumer at the RealPage offices and returned to the Customer by fax. Domin-8 screening is a screening service offered by RealPage's Domin-8 business unit and generated through the Domin-8 product lines.

This manual is designed to provide guidance to the Product Support team, Screening Operations Team and the Consumer Dispute Team in dealing with consumer inquiries.

It is the goal of LeasingDesk Screening to provide a service to RealPage customers that allows them to make leasing decisions that are in the best interests of its apartment community. It is also the goal of LeasingDesk Screening to provide consumer reports that are accurate and complete.

All members of the Product Support Team, Screening Operations Team and Consumer Dispute Team should be aware that every consumer is different and may require different handling and treatment, depending on the situation. While these policies are designed to guide the Product Support Team, Screening Operations Team and Consumer Dispute Team in the handling of consumers, it should not replace good judgment and discretion. If you have a consumer with a unique situation, one that is not covered by the procedures in this manual or one you have not encountered before, please escalate the consumer to the Manager of the Screening Operations Team or to the legal department, if necessary. Any contact from an attorney, or any other governmental agency or representative on behalf of a consumer should be immediately reported to the RealPage legal department by submitting an urgent Legal Support Request using the Sharepoint site.

RealPage and LeasingDesk are committed to following all state and federal laws that are applicable to LeasingDesk. The policies and procedures set forth in this manual are intended to assist LeasingDesk with its compliance efforts.

The Role of the Product Support Team

The role of the Product Support call center is to handle all initial consumer inquiries coming to RealPage through the Consumer Services Line or through RealPage general product support. Product Support will attempt to answer consumers' questions regarding why RealPage has appeared on their consumer credit report and can provide forms to the consumer for requesting a copy of their RealPage consumer file or submitting a dispute. Product Support will also escalate to the Screening Operations Team any

Exhibit 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

DIANE D. JONES and   :
JAMES ARNOLD, individually :
and on behalf of   :
themselves and all others   :
similarly situated,   :
                            :
            Plaintiffs,   :
                            :
v.   :   Case No. 1:19-cv-501-JG
                            :
REALPAGE, INC., d/b/a   :
LeasingDesk SCREENING,   :
                            :
            Defendant.   :

     VIDEOTAPED AND ORAL DEPOSITION OF PAVITHRA RAMESH,

produced as a witness at the instance of the Plaintiffs,

and duly sworn, was taken in the above-styled and

-numbered cause on August 9, 2019, from 11:05 a.m. to

3:49 p.m., before Christine Simons, CSR in and for the

State of Texas, reported by machine shorthand, at

RealPage, Inc., 2201 Lakeside Boulevard, Richardson,

Texas, 75082, pursuant to the Federal Rules of Civil

Procedure.

PAVITHRA RAMESH

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2

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4
  ALSO PRESENT:
5
      Chase Huddleston, Videographer
6

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PAVITHRA RAMESH

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PAVITHRA RAMESH

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 1              THE VIDEOGRAPHER:  We are now on the record

 2  for the video deposition of Pavithra Ramesh.  The time

 3  is 11:05 on August 9th, 2019, in the matter of Diane D.

 4  Jones, et al versus RealPage, Inc., et al, Civil Action

 5  No. 1:19-cv-501-JG, being held in the United States

 6  District Court for the Northern District of Ohio.

 7              The court reporter is Christine Simons, and

 8  the videographer is Chase Huddleston.

 9              Today's deposition is being held at

10  RealPage, Inc., in Richardson, Texas.

11              Will counsel please state their appearance

12  for the record.

13              MR. SOUMILAS:  For the plaintiff, Diane D.

14  Jones, this is John Soumilas.  My colleague Lauren

15  Brennan is also participating in this deposition today.

16  We are both located in Philadelphia and are

17  participating remotely via video connection.

18              MR. KROUB:  This is Edward Kroub, also

19  representing the plaintiff, from Cohen and Mizrahi.  I

20  am also participating via telephone.

21              MR. RAETHER:  Ronald Raether and

22  Jessica Lohr of Troutman Sanders on behalf of defendant,

23  RealPage, Inc.

24              MR. THORNTHWAITE:  Martin Thornthwaite for

25  RealPage, Inc.
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PAVITHRA RAMESH

1   MR. SOUMILAS: And before we swear the

2   witness, just one correction for the record. This is a

3   Rule 30(b)(6) deposition of RealPage, Inc., not of the

4   witness, Ms. Ramesh, individually.

5   Swear in the witness.

6   PAVITHRA RAMESH,

7   after having been first duly sworn, was examined and

8   testified on her oath as follows:

9   EXAMINATION

10   BY MR. SOUMILAS:

11   Q. Would you please state your full name for the

12   record, please.

13   A. Could you repeat the question, please? Sorry.

14   MR. RAETHER: John, we're having connection

15   problems, so I don't know if you heard the witness.

16   MR. SOUMILAS: I did not hear the witness.

17   We'll do take two, as they say in Hollywood, and try

18   again.

19   Q. Good morning. Would you please state your

20   complete name for the record.

21   A. Good morning. My name is Pavithra Ramesh.

22   Q. Ms. Ramesh, my name is John Soumilas. I'm an

23   attorney for Diane D. Jones who has brought a lawsuit in

24   the United States District Court for the Northern

25   District of Ohio in Cleveland against RealPage, Inc.

PAVITHRA RAMESH

1   I'm here today to take a deposition of a

2   corporate representative of the defendant, RealPage,

3   Inc., pursuant to Ms. Jones' revised notice of

4   deposition --

5   MR. SOUMILAS: -- which I'll ask the court

6   reporter now to mark as Ramesh 1 for purposes of today's

7   proceedings.

8   THE REPORTER: Can we go off the record?

9   Can we go off the record?

10   MR. RAETHER: Yes.

11   THE VIDEOGRAPHER: We are now off the

12   record. The time is 11:09 a.m.

13   (Discussion held off the record.)

14   (Exhibit No. 1 marked.)

15   THE VIDEOGRAPHER: We are now back on the

16   record. The time is 11:10 a.m.

17   Q.   (BY MR. SOUMILAS) And Ms. Ramesh, do you now

18   have in front of you the document that we've marked as

19   Ramesh 1 for purposes of these proceedings?

20   A.   I do.

21   Q.   And do you understand that this is a notice of

22   deposition in which we asked RealPage to designate one

23   or more people to testify on the 18 subject matters

24   listed in this notice?

25   A.   I do.

PAVITHRA RAMESH

1   Q.   And do you understand that the company has

2   designated you to testify about several of those

3   categories listed in the notice?

4   A.   I do.

5   MR. SOUMILAS: And just to make this

6   efficient, Counsel, could we stipulate that the

7   defendant has designated Ms. Ramesh for topics 1, 2, 3,

8   4, 5, 6, 7, 8, 10, 12, 13, 14, and 16A and B?

9   MR. RAETHER: Yes.

10   THE WITNESS: I think I have a different

11 set of documents.

12   Q.   Now, Ms. Ramesh, you --

13   MR. RAETHER: Hold on, John -- John, hold

14 on.   You marked the interrogatory responses.   We have

15 the wrong document marked.

16   MR. SOUMILAS: Let's go back to the

17 plaintiff Diane D. Jones' revised notice of deposition,

18 that's what we're referring to.

19   THE REPORTER: Sorry about that.

20   THE WITNESS: Thank you.   Now I do.

21   Q.   All right.   So just to clarify the record, now

22 that we have the correct notice of deposition in front

23 of you, Ms. Ramesh, are you aware that you are

24 testifying on behalf of RealPage, Inc., in this case on

25 those topics within this notice that we just stipulated

PAVITHRA RAMESH

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 1   with your lawyer the company has designated you to speak

 2   on?

 3        A.  Yes.

 4        Q.  All right.

 5             MR. SOUMILAS:  I would also like to mark a

 6   second deposition notice for purposes of today's

 7   proceedings.  This is a 30(b)(1) deposition notice, and

 8   let's call that Ramesh 2, please.

 9        Q.  Let me know when you have that in front of you.

10             (Exhibit No. 2 marked.)

11             THE REPORTER:  I have it marked.

12        Q.  All right.  So Ramesh 2 should be a three-page

13   document called Plaintiff's Revised Notice of Deposition

14   Pursuant to Fed. R. Civ. P. 30(b)(1).  Do you have that

15   in front of you, ma'am?

16        A.  I do.

17        Q.  And have you seen this before?

18        A.  Yes, yesterday.

19        Q.  This document asks for RealPage to designate

20   someone to speak on RealPage's search and/or query

21   capabilities regarding consumer report data, and also

22   the person who queried any databases to answer the

23   plaintiff's discovery in this case, the subject of a

24   court order.  Do you see that?

25        A.  Yes, I do.
```

PAVITHRA RAMESH

1   Q.   And are you also prepared today to testify in

2   that capacity?

3   A.   Yes, I am.

4   Q.   All right. So Ms. Ramesh, all of your

5   testimony today, that is, as someone speaking on behalf

6   of RealPage on those designated subject areas where

7   you've been permitted to testify on behalf of the

8   company, you've done that before in your life, correct?

9   A.   Yes, I have.

10   Q.   And how many times?

11   A.   Once.

12   Q.   Was that in the Jackson versus RealPage case,

13   which was a case in Tennessee?

14   A.   Yes.

15   Q.   In preparing for today, have you had the

16   opportunity to review your testimony from the Jackson

17   versus RealPage case?

18   A.   No, I haven't.

19   Q.   Have you ever reviewed your testimony -- the

20   testimony that you gave in the Jackson versus RealPage

21   case?

22   A.   Yes, I did.

23   Q.   Did you have the chance to make any corrections

24   to that testimony?

25   A.   There was one minor correction, but nothing

PAVITHRA RAMESH

 1 major.

 2   Q. Other than that minor typographical-type

 3 correction, was that testimony that you gave in the

 4 Jackson versus RealPage accurate?

 5   A. Yes, it was.

 6   Q. Okay. Now in preparing to give testimony today

 7 in this case, could you tell us what you did to prepare?

 8   A. I reviewed the screening reports of Ms. Jones

 9 and Mr. Arnold, and then walked through what I was

10 expected to answer in the deposition today.

11   Q. Other than the lawyers who are in the room with

12 you today, did you meet with anyone in order to prepare

13 to give testimony today?

14   A. No.

15   Q. And other than the documents that you've

16 identified already, did you review any other documents

17 to prepare you to testify today?

18   A. No, I did not.

19   Q. I take it you presently work for RealPage,

20 correct?

21   A. I do, yeah.

22   Q. What's your title, ma'am?

23   A. I am a senior product manager for screening.

24   Q. I'm sorry, did you say project manager?

25   A. Product manager.

PAVITHRA RAMESH

1   Q.   How long have you had the product manager

2 position?

3   A.   From March of 2018.

4   Q.   And how long have you worked for RealPage

5 overall?

6   A.   For three years, started in July 2016.

7   Q.   What was your -- positions did you hold with

8 RealPage before product manager?

9   A.   I was a data scientist for RealPage.

10   Q.   Any other position?

11   A.   No.

12   Q.   Would you please explain your basic duties and

13 responsibilities as a data scientist?

14   A.   As a data scientist, I worked on any algorithm

15 that the screening product used, it included criminal

16 matching logic, and then the financial scoring

17 algorithm. I also did an ad hoc analysis for clients

18 when they came with questions, specific to their

19 business and their requirements.

20   Q.   And since you've been a project manager, what

21 type of duties and responsibilities have you had for

22 RealPage?

23   MR. RAETHER: Objection to form.

24   A.   Product manager, and since I've been a product

25 manager --

PAVITHRA RAMESH

1   Q. I'm sorry -- I'm sorry, I made a mistake there

2   inadvertently. Is it product manager?

3   A. Yes.

4   Q. Okay. I'm sorry.

5   A. No problem.

6   Q. Please finish your answer.

7   A. As the product manager, I oversee the team that

8   works with consuming the data -- criminal data from our

9   vendors, criminal and landlord/tenant data from our

10 vendors.

11   I also work to keep the data science

12 roadmap going, understand where we can make

13 improvements. I work with clients to get their feedback

14 on the product, work with marketing operations to ensure

15 that we have internal tools.

16   Q. Ms. Ramesh, presently do you have people who

17 report to you?

18   A. I do.

19   Q. How many?

20   A. Two of them, direct reports.

21   Q. What do the direct reports do?

22   A. Could you repeat that question? Sorry.

23   Q. Yes, what do your direct reports do for you?

24   A. Oh, both of them are involved in consuming the

25 data that we get from our vendors in terms of criminal

PAVITHRA RAMESH

1   and landlord/tenant data information, so they are

2   involved in taking it, standardizing it in a way that we

3   can consume the data for -- to provide screening

4   reports, monitor it for completeness -- and what I mean

5   completeness, to ensure that the data is most

6   up-to-date -- push it to production, and if there's any

7   changes that's required to be made in the data as a part

8   of the dispute process, they also handle that part.

9   Q.   Who are those two people who work for you, what

10   are their names?

11   A.   Megan Hartman and Robert Gonzalez.

12   Q.   Do you report to anyone yourself?

13   A.   Do -- can you say that, again? Sorry, the

14   connection is pretty bad.

15   Q.   Okay. I'm sensing some of that on my end as

16   well.

17   I'm trying to figure out whether you have a

18   direct supervisor.

19   A.   I do. He's the director of product, and he

20   oversees all product management for screening.

21   Q.   And who is that?

22   A.   Manjit Sohal.

23   Q.   Could you try that one more time because I

24   didn't hear it?

25   A.   Manjit Sohal, that's his name.

PAVITHRA RAMESH

1 Q. Could you help us with the spelling?

2 A. Sure. M-A-N-J-I-T, Manjit, Sohal, S-O-H-A-L.

3 Q. Prior to working for RealPage, could you

4 summarize for us your work experience?

5 A. For sure. Prior to working for RealPage, I was

6 initially a research associate at UT Dallas for two

7 semesters, and then I was a consultant with Hewlett

8 Packard Enterprise for about a year, and then I joined

9 RealPage as a data scientist.

10 Q. Again, in summary form, could you tell us what

11 your educational background is, ma'am?

12 A. Absolutely. I have a bachelor's from India in

13 biotechnology and a master's in operations research with

14 a minor in statistics from the Ohio State University.

15 Q. I want to next turn our attention to some of

16 the topics for which you are designated to testify today

17 on behalf of RealPage, and let's start with No. 1 in the

18 Revised Notice of Deposition under Rule 30(b)(6). It

19 asks for someone to testify about RealPage's process for

20 gathering public record information. Do you see that?

21 A. Yes, I do.

22 Q. And how are you familiar with that process?

23 A. So my -- the team, Megan and Rob, are the ones

24 responsible for gathering this information from our

25 vendors, and because I oversee them, I have a close

PAVITHRA RAMESH

1   understanding of what their process is and what

2   RealPage's process is.

3   Q.   All right.   So you've mentioned the word

4   "vendors" multiple times, who do you mean when you use

5   that term?

6   A.   For criminal bulk data, we use Genuine Data

7   Services, and we also have out-of-network searches with

8   backgroundchecks.com, and for landlord/tenant data, we

9   have LexisNexis.

10   Q.   So these are private companies that sell

11   information about public records to RealPage?

12   A.   I don't know if they're private, but yes, they

13   are companies that sell public records, criminal and

14   landlord/tenant, to RealPage.

15   Q.   And am I correct that the basic part of the

16   business is that RealPage investigates and does

17   background reports on tenant applicants and tries to

18   determine whether any of those applicants have a

19   criminal background or some eviction-type record with --

20   with a prior landlord?

21   MR. RAETHER: Objection, vague and

22   ambiguous.

23   A.   We provide a comprehensive screening report

24   based on the property's criteria, so criminal and

25   landlord/tenant could be included if the property wants

PAVITHRA RAMESH

1   it. We also do rental history and credit checks, so it

2   depends on what the property has said and asked for.

3   Q. Okay. That's helpful.

4   With respect to Genuine Data Services, you

5   said that RealPage acquires bulk criminal data is I

6   believe what you called it; is that correct?

7   A. That is correct, yes.

8   Q. Could you pinpoint what bulk criminal data is?

9   A. For sure. So Genuine Data Services gathers

10 public records information across different

11 jurisdictions and provides it to us in a regular

12 cadence, it provides updates to us in a regular cadence

13 as a file, which we then maintain in our severs, SQL

14 severs, which is what we call bulk data. It makes

15 searching easier and instantaneous.

16   Q. And am I correct that Genuine Data Services

17 focuses on criminal records?

18   A. Yes.

19   Q. What does backgroundchecks.com focus on?

20   A. They also focus on criminal records, but they

21 focus on county-level criminal records, things that we

22 cannot get in the bulk data, either because it's not

23 readily available or there's reasons why the

24 jurisdiction cannot provide it to the bulk. So in those

25 cases, they send a court runner to gather the

PAVITHRA RAMESH

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 1   information and send it back to us.
 2       Q.  And I take it -- you said LexisNexis focuses on
 3   landlord/tenant activities such as your rent and whether
 4   you've been evicted and things like that?
 5       A.  LexisNexis gives us landlord/tenant court
 6   records, so if an eviction was filed, dismissed,
 7   discharged, we would have information from LexisNexis.
 8       Q.  All right.  Are you familiar in this case with
 9   where the records for the plaintiff, Diane Jones, came
10   from?
11       A.  You mean, which vendor it came from?
12       Q.  Yes, which vendor provided the records that
13   made their way onto a background report for the
14   plaintiff, Diane Jones.
15       A.  Yes, I am familiar with it.
16       Q.  And have you reviewed the particular
17   transaction involving Ms. Jones?
18       A.  Yes.
19       Q.  Have you seen the report prepared about her and
20   delivered to a potential landlord about her?
21       A.  Yes, I did review the report.
22       Q.  Now, for how long has RealPage used vendors to
23   gather criminal public record information?
24       A.  I don't know the exact number of years or the
25   exact answer.
```

PAVITHRA RAMESH

1   Q.   As long as you've been with the company,

2   vendors were the source?

3   A.   Yes, that's correct.

4   Q.   And do you know of a time prior to when you

5   joined where RealPage went to government agencies

6   directly for criminal records information as opposed to

7   using a vendor?

8   A.   Not that I know of.

9   Q.   Do you have any responsibility for deciding

10   whether a vendor should be used to gather criminal

11   records data as opposed to getting data directly from

12   the government offices or courthouses?

13   A.   No, I do not.

14   Q.   Do you know the reason behind RealPage's

15   decision to use a vendor to gather this information

16   about criminal records as opposed to getting it directly

17   itself?

18   A.   The reason that I do know is the data landscape

19   keeps changing, and it's hard to keep up with the

20   different jurisdictions and their way of reporting, and

21   so we use a vendor who can get us that information, keep

22   up with the compliance changes and the changing

23   landscape, and give us the data on a regular cadence.

24   Q.   Have you ever seen any type of an analysis at

25   RealPage as to what it would cost it to keep up with

PAVITHRA RAMESH

1 getting the data itself directly from the government and

2 courthouses?

3   A. No, I have not.

4   Q. By that I mean the criminal records data.

5   A. No. I have not.

6   Q. (Inaudible.)

7   THE REPORTER: Could you start over?

8   MR. SOUMILAS: Yes.

9   Q. Are you aware whether there is a contract

10 between Genuine Data Services and RealPage which governs

11 the pricing for criminal records information that

12 RealPage buys from Genuine Data Services?

13   A. There is a contract.

14   Q. Is it a separate contract with Genuine Data

15 Services and a separate one from backgroundchecks.com,

16 or is it one and the same contract?

17   A. I don't know the answer to that.

18   Q. Do you know how much on the average RealPage

19 pays Genuine Data Services per bulk record that it

20 acquires from that vendor?

21   A. No, I do not.

22   Q. When you reference a bulk record, do you know

23 whether Genuine Data Services is delivering the complete

24 court record for that particular crime to RealPage as

25 part of the --

PAVITHRA RAMESH

1   THE REPORTER: I didn't hear the end of the

2   question. Could you restate that?

3   MR. SOUMILAS: Yes.

4   Q. As part of the contractual relationship between

5   Genuine Data Services and RealPage, do you know whether

6   Genuine Data Services is required to go out and acquire

7   the complete court record for any crime to deliver it as

8   part of these bulk deliveries of data to RealPage?

9   A. Yes, they are.

10   Q. So let's just make sure I understand your

11   testimony in that regard, and to help with that, I want

12   to show you a document, which we'll mark as Ramesh 3 for

13   purposes of today's proceedings. It has Bates numbers

14   RealPage Jones 1 through 3.

15   (Exhibit No. 3 marked.)

16   THE REPORTER: I have it marked.

17   Q. Okay. Ms. Ramesh, have you seen this document

18   before?

19   A. I have.

20   Q. What is it?

21   A. Say that again? Sorry.

22   Q. What is it?

23   A. Yesterday.

24   Q. I'm sorry. So what is this document, could you

25   identify it for the record, please?

PAVITHRA RAMESH

1   A.   This is a screening report for Diane D. Jones

2   that was run on the 15th of August, 2017.

3   Q.   And if you look at the last page of this

4   report, it appears that this was a report delivered from

5   RealPage to a landlord called Marietta Road 7302 59?

6   A.   Yes.   I see that.

7   Q.   And also on that third page of the report,

8   there is some criminal history that is listed there for

9   the plaintiff, Ms. Jones, correct?

10   A.   Correct.

11   Q.   All right.   Looking about midway down on the

12   page under source and vendor information, are you in

13   that column?

14   A.   Yes, sir.

15   Q.   (Inaudible) is the vendor for this particular

16   record, correct?

17   THE REPORTER: Could you restate that -- or

18   say it again?   It cut out.

19   MR. SOUMILAS: Yes, I'm sorry, there's a

20   lot of background noise.   I don't know how to control

21   that.

22   Q.   But the question is whether Genuine Data

23   Services is the vendor for this criminal record that

24   appears on Ms. Jones' August 2017 report?

25   A.   Yes, that is correct.

PAVITHRA RAMESH

1 Q. And that is because RealPage, you know, daily

2 uses Genuine Data Services to acquire bulk criminal data

3 you said?

4 A. That is correct, yes.

5 Q. (Inaudible.)

6 A. Sorry, could you repeat that?

7 Q. I'm sorry?

8 A. Could you repeat -- could you repeat that,

9 please?

10 Q. (Inaudible) as the vendor source for this

11 information?

12 THE REPORTER: The first part cut out

13 again.

14 Q. I'm sorry, I'll try again. Is there anything

15 unusual about the fact that we see Genuine Data Services

16 as the vendor source for this information?

17 A. No, nothing unusual.

18 Q. And then it tells us that Genuine Data Services

19 is pulling records from something called GADOCSPL. Do

20 you see that on the left side of that same line?

21 A. Yes, I do.

22 Q. Do you know what that is?

23 A. It is -- it's a jurisdictional code that

24 Genuine Data Services uses to tell us where the -- which

25 jurisdiction they're pulling that information from.

PAVITHRA RAMESH

1   Q.   Okay. Do you know specifically what

2   jurisdiction this is for this particular record?

3   A.   There's the source right next to the code,

4   which is Georgia Correction supplemental, so this is a

5   Georgia Department of Corrections supplemental source.

6   Q.   Okay. So going back to my question of a few

7   minutes ago, regularly does Genuine Data Services go to

8   the court and obtain the complete record -- court record

9   for the crime, or does it go to the Department of

10 Corrections and obtain some information from the

11 supplemental database there?

12   A.   I don't know their exact means of collecting

13 records.

14   Q.   Okay. Do you know specifically whether Genuine

15 Data Services will go to the court where the conviction

16 occurred and obtain any court records from the court, as

17 opposed to the Department of Corrections?

18   A.   Again, I don't know what their method of

19 collection is.

20   Q.   Do you know whether the Department of

21 Corrections' records from Georgia are available for free

22 online?

23   A.   I don't know.

24   Q.   Looking at the data above the source and vendor

25 information, would this be the actual bulk data that

PAVITHRA RAMESH

1   Genuine Data Service would have delivered to RealPage

2   concerning this criminal offense?

3   A.   Yes.

4   Q.   And is what's displayed in the report all of

5   the data that Genuine Data Services delivers to RealPage

6   about a crime, or does RealPage hold any of the data

7   back before reporting it?

8   A.   There -- there could be instances where

9   there's -- I'm not sure about Georgia Corrections

10 supplemental, but there could be instances where we get

11 tattoo information or scar information and so we don't

12 display any of that. But in the offense table,

13 everything that we get, if we get it, will be displayed

14 in those columns.

15   Q.   Okay. Is the way Genuine Data Services

16 collected information about the criminal records that we

17 see on the Jones report, which we have here marked as

18 Ramesh 3, the typical way in which criminal records

19 information is collected?

20   MR. RAETHER: Objection, form.

21   A.   Could you repeat that question for me or

22 restate it?

23   Q.   Is there -- is the information that we see in

24 Ramesh 3 about the criminal records information the

25 typical way in which RealPage obtains criminal record

PAVITHRA RAMESH

1   information from Genuine Data Services?

2   MR. RAETHER: Objection to form.

3   A.   No, the way we see it is not the way RealPage

4   obtains it.

5   Q.   I'm sorry, you said the way you see it is not

6   the way RealPage updates it?

7   A.   The way we see it in the report is not the way

8   we get that information from GDC, or Genuine Data

9   Services.

10   Q.   Is it in a different format?

11   A.   Yes.   It's all in bulk data, it's in multiple

12   tables stored in our SQL servers.

13   Q.   Do you have any reason to believe that in the

14   case of Diane Jones that the data was delivered in any

15   different way other than the usual bulk data way?

16   A.   No, no reason to believe that.

17   Q.   Was it conformed to fit the report in any

18   different way other than the usual way in which that

19   bulk data is conformed to be displayed on a background

20   report?

21   A.   No, no difference.

22   Q.   Okay.   So the way this particular record from

23   Genuine Data Services made its way to be displayed on

24   Ms. Jones' report is the usual process of how criminal

25   records are obtained by RealPage and then displayed on a

PAVITHRA RAMESH
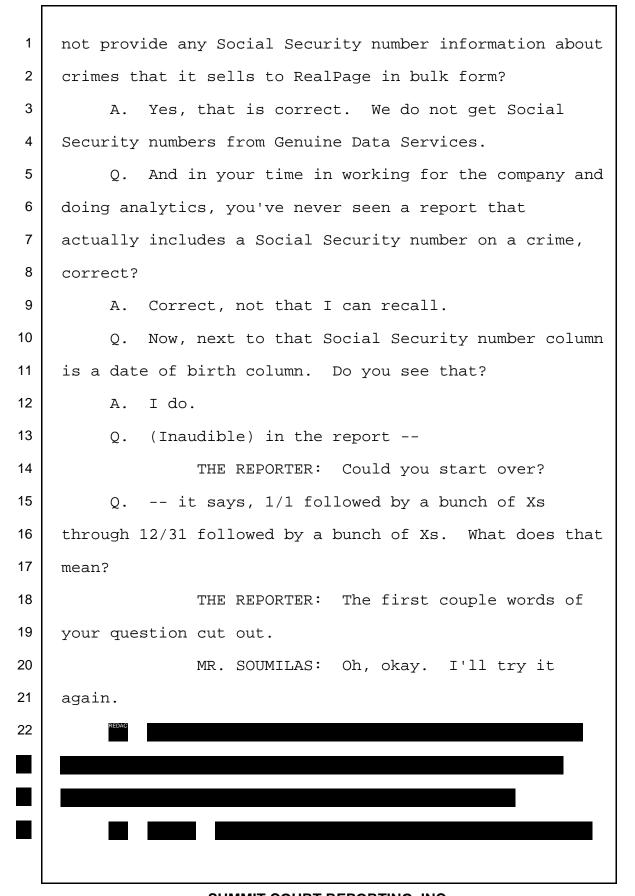
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 1   particular consumer's report.  Would you agree with

 2   that?

 3        A.   It follows -- yes, it does follow the process.

 4        Q.   The usual process, correct?

 5        A.   I don't know what you mean by "usual process,"

 6   but it follows the process where we update the data into

 7   our -- into our servers and then there's the whole

 8   pulling the data specific for this consumer, so

 9   there's -- it depends on -- it depends on the input

10   and -- at that point of time.

11        Q.   Okay.  Let me clarify that because it's

12   important.  What I mean by the "usual process" is that

13   what you would expect the process to be was followed in

14   the case of Ms. Jones; would you agree with that?

15        A.   Yes, that I agree.

16        Q.   And we don't see anything in the Jones report

17   to suggest that some part of the usual process broke

18   down and half of the data is missing or it's not

19   conformed in a normal way, it appears how it would

20   normally appear if the process is followed?

21        A.   Yes, that is correct.

22        Q.   (Inaudible.)

23             THE REPORTER:  Could you start over?

24        Q.   And the normal process was followed in the case

25   of Ms. Jones, correct?
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PAVITHRA RAMESH

 1   MR. RAETHER: Objection, form.
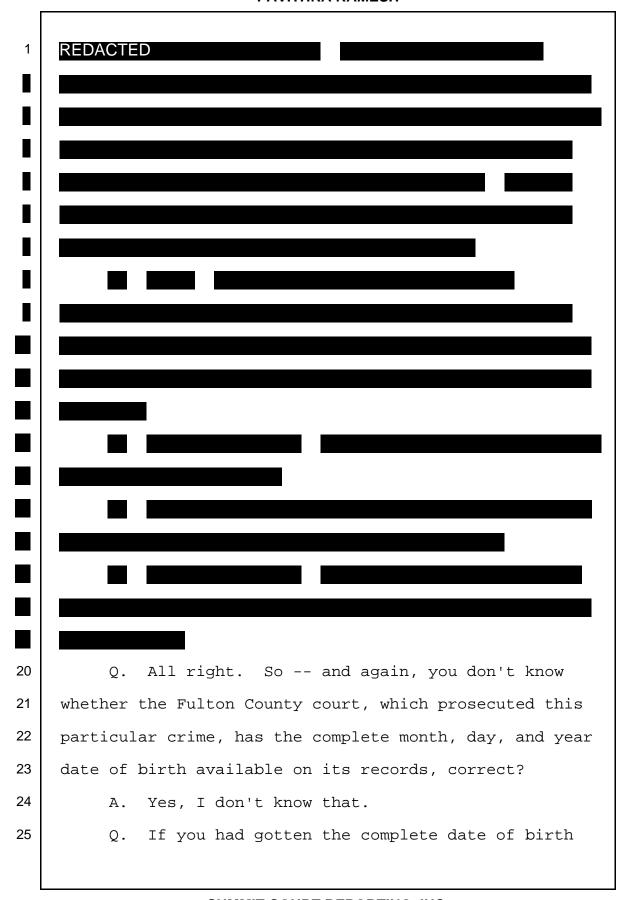
 2   A. Yes, the same system was used to pull this

 3   report.

 4   Q. What is the name of that system?

 5   A. It's our LeasingDesk screening.

 6   Q. I'm sorry, could you say that one more time? I

 7   couldn't hear it.

 8   A. Sure, it's our screening application system.

 9   Q. Does the screening application system have a

10   name internally?

11   A. LeasingDesk.

12   Q. Okay. So then we can agree that Ms. Jones'

13   report that we see here as Ramesh 3 was generated

14   through the screening desk -- I'm sorry, the LeasingDesk

15   screening application system as any report would be

16   prepared, correct?

17   A. That is correct, yes.

18   Q. The criminal data came from Genuine Data

19   Services like it would usually come for any particular

20   criminal record, correct?

21   A. That is correct.

22   Q. And you're not aware what specifically Genuine

23   Data Services did to acquire this data, correct?

24   A. That is correct.

25   Q. And you're not aware whether they went online

PAVITHRA RAMESH

1 somewhere or they paid for it or they got it for free or

2 they sent a runner to a courthouse or how exactly they

3 got it, correct?

4   A. Yeah, I don't have that information.

5   Q. And you don't know whether they got all of the

6 data publicly available for this crime either, do you?

7   A. Could you repeat that again? Sorry.

8   Q. Are you aware if Genuine Data Services got all

9 of the publicly available information for this criminal

10 offense and delivered it to RealPage?

11   A. That -- do I know that? Is that the question?

12   Q. Yes.

13   A. No.

14   Q. Yes. Okay. Well, let me back up. Other than

15 the information from the Georgia Department of

16 Corrections Genuine Data Services delivered to you about

17 this criminal offense, was there any other government

18 source for criminal information here?

19   MR. RAETHER: Objection to form.

20   A. No.

21   Q. Let me see if I can clarify that. If we look

22 at Ms. Jones' report at page 3, right above Genuine Data

23 Services, do you see that it has some information about

24 the offense at issue?

25   A. Yes.

PAVITHRA RAMESH

1   Q.   It says that -- a narcotics-related offense,

2 correct?

3   A.   Yes.

4   Q.   And it says that it's from the Fulton County

5 court; do you see that?

6   A.   I do see that, yes.

7   Q.   Did RealPage receive any information from the

8 Fulton County court about the narcotics offense that

9 made its way onto the Jones report?

10   A.   No, we did not.

11   THE REPORTER: The first couple words of

12 that question didn't come through.

13   MR. SOUMILAS: So that sounds important.

14 I'll repeat it.

15   Q.   I want to know whether RealPage received any

16 information from the Fulton County court concerning the

17 narcotics offense that we see displayed on the third

18 page of Ms. Jones' report?

19   A.   Not directly from Fulton County, no.

20   Q.   Okay. And through Genuine Data Services, did

21 RealPage receive any information from Fulton County

22 concerning the narcotics crime that's on page 3 of the

23 Jones report?

24   A.   Not that I know of.

25   Q.   Have you ever seen information from Fulton

PAVITHRA RAMESH

1   County concerning this particular crime?

2   A.   Not -- not particular to this crime, no.

3   Q.   Do you know whether the Fulton County records

4   for this particular crime include a Social Security

5   number for the offender?

6   A.   I do not know that.

7   Q.   Do you know whether the records from Fulton

8   County include a complete date of birth for the

9   offender?

10   A.   I don't know that either.

11   Q.   Do you know whether the records from Fulton

12   County include information about the name of the

13   offender or her address?

14   A.   I don't know that.

15   Q.   And had RealPage, either through Genuine Data

16   Services or any other source, obtained Social Security

17   information for this offense, would it be listed on page

18   3 under the SSN section of the report on the top?

19   A.   I don't know that.

20   Q.   Okay. What is that section, the SSN section,

21   which is blank in this report?

22   A.   It is the SSN information, but I -- in my time

23   here, I've never seen an SSN report -- I mean, I've

24   never seen SSNs being reported.

25   Q.   Okay. And does Genuine Data Services typically

PAVITHRA RAMESH

1   not provide any Social Security number information about

2   crimes that it sells to RealPage in bulk form?

3   A.   Yes, that is correct. We do not get Social

4   Security numbers from Genuine Data Services.

5   Q.   And in your time in working for the company and

6   doing analytics, you've never seen a report that

7   actually includes a Social Security number on a crime,

8   correct?

9   A.   Correct, not that I can recall.

10   Q.   Now, next to that Social Security number column

11   is a date of birth column. Do you see that?

12   A.   I do.

13   Q.   (Inaudible) in the report --

14   THE REPORTER: Could you start over?

15   Q.   -- it says, 1/1 followed by a bunch of Xs

16   through 12/31 followed by a bunch of Xs. What does that

17   mean?

18   THE REPORTER: The first couple words of

19   your question cut out.

20   MR. SOUMILAS: Oh, okay. I'll try it

21   again.

22   REDAC ████████████████████████████████

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PAVITHRA RAMESH

1   REDACTED

20   Q. All right. So -- and again, you don't know

21   whether the Fulton County court, which prosecuted this

22   particular crime, has the complete month, day, and year

23   date of birth available on its records, correct?

24   A. Yes, I don't know that.

25   Q. If you had gotten the complete date of birth
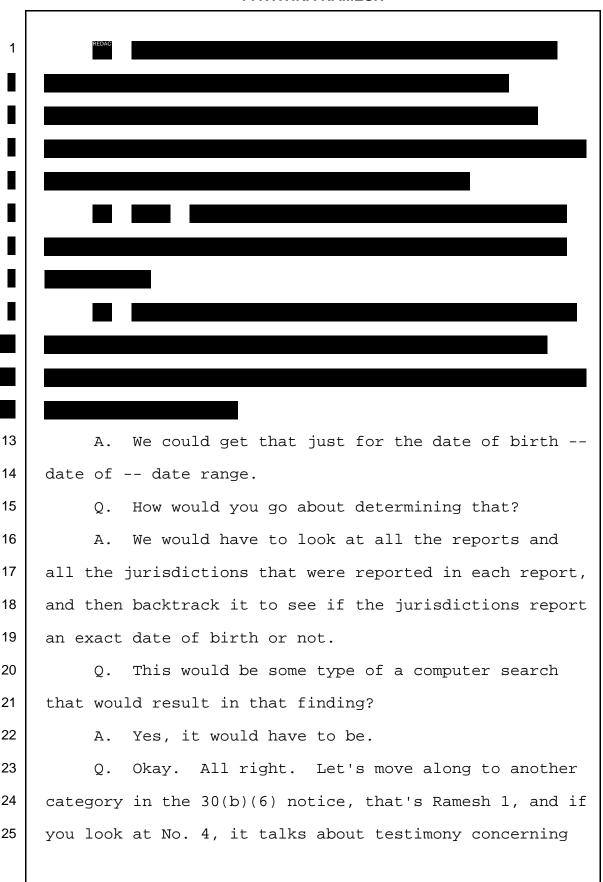
PAVITHRA RAMESH

1   for the criminal offender, would that be listed here in

2   the date field of the report?

3   A.   Yes, if we had an exact date of birth, then the

4   birth date for the offender and the alias would have

5   just that exact date of birth.

6   Q.   All right. So then the way this report is

7   formatted tells us that in receiving bulk data about

8   this crime from Genuine Data Services, RealPage, number

9   one, received no Social Security number, correct?

10   A.   Correct.

11   Q.   And that is entirely typical, you would expect

12   that for information coming from Genuine Data Services,

13   correct?

14   A.   Correct.

15   MR. RAETHER: Objection to form.

16   REDAC ██

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20   A.   Correct.

21   Q.   And, again, this -- you would consider that to

22   be typical for this type of data coming from Genuine

23   Data Services to you?

24   MR. RAETHER: Objection, vague and

25   ambiguous.

PAVITHRA RAMESH

1   A. It depends on the jurisdiction. Again, like I

2   said, some jurisdictions only provide year of birth,

3   some only give us the age, some give exact date of

4   birth, so it depends on the jurisdiction, and they're

5   changing constantly.

6   Q. Do you know why with respect to Georgia

7   records, for example, why Genuine Data Services may have

8   chosen to use records from the Department of

9   Corrections, which only provide a year of birth, as

10   opposed to court records from Fulton County, which

11   provide the complete date of birth?

12   MR. RAETHER: Objection to form.

13   A. So Genuine Data Services provided this, but

14   they also provide other jurisdictions, so I'm not clear

15   on your question.

16   Q. My question is focused on this particular

17   jurisdiction and this particular record.

18   A. Okay.

19   Q. Do you know why they would have used the

20   Department of Corrections, which does not have a full

21   date of birth, when another government source has the

22   full date of birth for the exact same crime?

23   MR. RAETHER: Objection to form.

24   A. No.

25   Q. And you told me you have not seen any records

PAVITHRA RAMESH

1 from the Georgia Department of Corrections, correct?

2   A.   I have not seen any records from the -- can you

3 repeat that, please?   Sorry.

4   Q.   Yeah.   Let me clarify this because it's

5 important.   You told me that there's a bulk feed that

6 comes from Genuine Data Services to RealPage, correct?

7   A.   Yes, that is correct.

8   Q.   (Inaudible.)

9   THE REPORTER: Could you start over?

10   Q.   (Inaudible) to Genuine Data Services --

11   The source of that information for this

12 crime is the Department of Corrections, according to

13 Genuine Data Services, and not the Fulton County court,

14 correct?

15   A.   Correct.

16   Q.   But you have not seen either Department of

17 Corrections records or Fulton County records for this

18 crime; is that also correct?

19   A.   That is correct.   I've only seen what's in this

20 report.

21   Q.   You've only seen the bulk data that was

22 delivered to you by Genuine Data Services?

23   A.   That is correct.

24   Q.   Okay.   And at least as far as you're

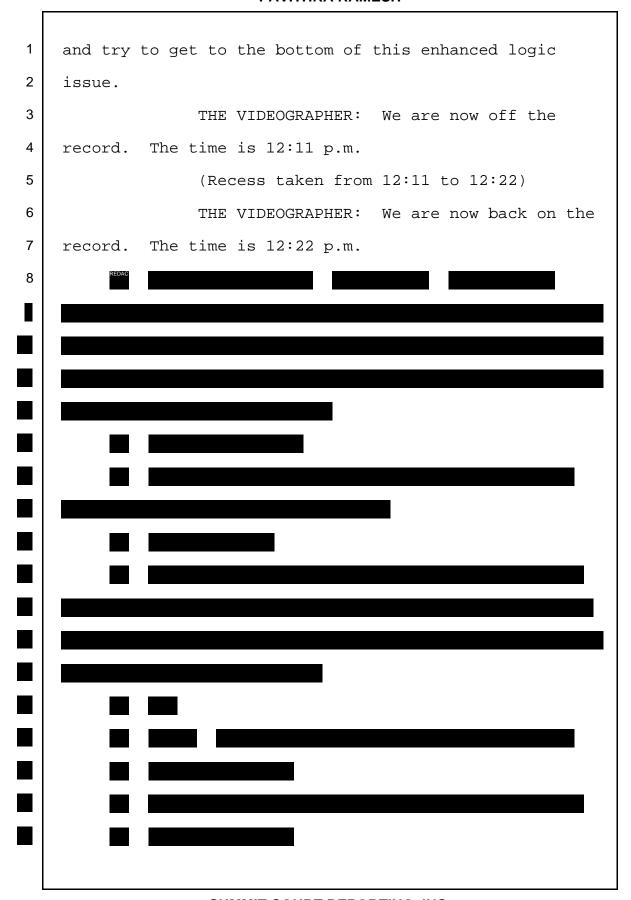25 familiar -- I'll withdraw that question.

PAVITHRA RAMESH

1   Now, I take it, this bulk data that

2   RealPage acquires is called bulk data because it

3   includes a lot of criminal records at the same time?

4   A.   That is correct.

5   Q.   Could you give us a sense of the volume, how

6   much bulk data comes in on a daily basis?

7   A.   It's not on a daily basis, it's on a regular

8   cadence, and every time we get a bulk data update from

9   GenuineDataServices.com -- I'm sorry, Genuine Data

10   Services, the update could be for different

11   jurisdictions.

12   So, for example, we don't get all of it at

13   the same time every day or every three days. As Genuine

14   Data Services gets updates from those jurisdictions,

15   they provide the updates back to us.

16   Q.   When you say "on a regular cadence," how

17   frequently is that?

18   A.   It could be anywhere from three to five days,

19   every three to five days.

20   Q.   Okay. And once the data is received, where is

21   it stored?

22   A.   Once the data is received, it is first stored

23   in a staff environment or a staging environment -- it's

24   stored in a staging environment, and it's normalized or

25   standardized to ensure that we can report on it, and

PAVITHRA RAMESH

1   then it's pushed to a production environment.

2   Q.   Okay. Backtracking for a moment to the date of

3   birth field that might come with this bulk data, do you

4   keep track internally as to how frequently Genuine Data

5   Services delivers a complete date of birth as opposed to

6   just a year for the criminal offense?

7   A.   Yes, we do.

8   Q.   And have you personally reviewed this data?

9   A.   Not anytime soon -- or not anytime earlier.

10   Q.   (Inaudible) what percentage of records --

11   THE REPORTER: Could you start that over?

12   Q.   -- Genuine Data Services delivers you get a

13   complete date of birth?

14   THE REPORTER: The first part of the

15   question cut out.

16   Q.   The question is whether you know, sitting here

17   today, in what percentage of cases where Genuine Data

18   Services delivers criminal data to RealPage it also

19   delivers a complete date of birth for a criminal

20   offense?

21   A.   No, I do not know that.

22   Q.   Are you aware that the Department of

23   Corrections in most states typically does not include a

24   full date of birth?
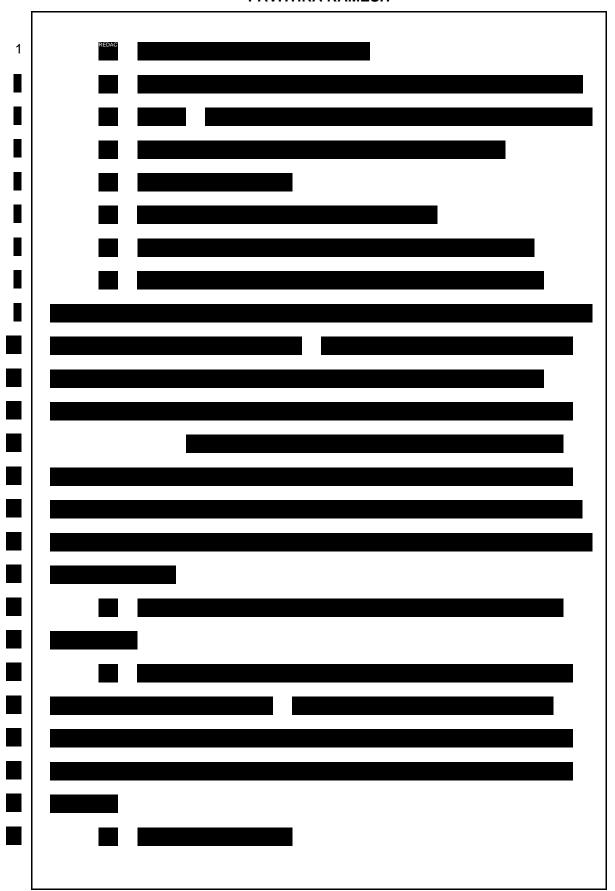
25   A.   No, I do not know that.

PAVITHRA RAMESH

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13   A.   We could get that just for the date of birth --

14   date of -- date range.

15   Q.   How would you go about determining that?

16   A.   We would have to look at all the reports and

17   all the jurisdictions that were reported in each report,

18   and then backtrack it to see if the jurisdictions report

19   an exact date of birth or not.

20   Q.   This would be some type of a computer search

21   that would result in that finding?

22   A.   Yes, it would have to be.

23   Q.   Okay. All right. Let's move along to another

24   category in the 30(b)(6) notice, that's Ramesh 1, and if

25   you look at No. 4, it talks about testimony concerning

PAVITHRA RAMESH

1 RealPage's policies and procedures for placing criminal

2 record information on the reports it prepares itself

3 about consumers. Do you see that?

4   A. Yes, I do.

5   Q. Now moving on from the phase of simply

6 gathering criminal data to actually matching particular

7 records of crimes to particular tenant applicants that

8 were the subject of one of these screening reports,

9 okay?

10   A. Okay.

11   Q. And do you know how that process occurs at

12 RealPage?

13   A. Yes, I do.

14   Q. And how did you become familiar with that?

15   A. One of my very first projects as a data

16 scientist was to evaluate our matching logic, and so I

17 became very familiar with the process. I was also

18 involved in an enhancement, so again, I'm very familiar

19 with the matching logic.

20 REDAC ▮▮▮▮▮▮▮▮▮

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25   MR. SOUMILAS: Would you please mark that

PAVITHRA RAMESH

1   as Ramesh 4.

2   (Exhibit No. 4 marked.)

3   THE REPORTER: I have it marked.

4

15   THE WITNESS: It's September 2017 --

16   MR. RAETHER: I don't know if we have

17   any -- I don't know, we can check. I don't know what

18   you want me to explain, but --

19   MR. SOUMILAS: Well, I want you to explain

20   whether you produced it and I don't see it, or whether

21   you haven't produced it. It seems kind of relevant to

22   this questioning.

23   MR. RAETHER: I'll check.

24   MR. SOUMILAS: All right. Well, why don't

25   we take a short break and go off the record right now

PAVITHRA RAMESH

1   and try to get to the bottom of this enhanced logic

2   issue.

3   THE VIDEOGRAPHER: We are now off the

4   record. The time is 12:11 p.m.

5   (Recess taken from 12:11 to 12:22)

6   THE VIDEOGRAPHER: We are now back on the

7   record. The time is 12:22 p.m.

8   REDAC

PAVITHRA RAMESH

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1   REDACTED

13   Q.   Why did it come to be that it would go into

14   place at that time?

15   A.   So we -- the project was going on for a while,

16   and we were able to wrap up and finally get to a model,

17   which was -- which made sense and, you know, work with

18   our software engineers. It's a process to get it -- put

19   it in place, and September 2017 was the -- was the month

20   and the year.

21   Q.   How long was it in development, the project?

22   A.   It -- as far as I know, it started before I

23   joined RealPage.

24   Q.   Do you know why it started?

25   A.   We are always looking for ways to improve our

PAVITHRA RAMESH

1   matching logic, make fine tunes to it, ensure that we

2   are using the best resources that's available to us in

3   terms of data, in terms of technology, and with --

4   again, like I mentioned, the changing data landscape,

5   it's so dynamic, the project started as a way to see

6   if -- you know, what's the next thing that we can do.

7   Q.   Was there any particular reason why it started?

8   A.   Not that I know of. Like I said, it started

9   before I did.

10   Q.   And who ordered it?

11   A.   I don't know that either.

12   Q.   Who were you reporting to when you were working

13   on it?

14   A.   Rich Hughes.

15   Q.   And what is Mr. Hughes?

16   A.   He's the SVP of data science.

17   REDAC ███████████████████████████

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PAVITHRA RAMESH

1   REDACTED

6   Q.   Who did the programming itself for this

7   enhancement?

8   A.   Wesley Elsberry and me, together.

9   Q.   Who was in charge of this project?

10   A.   I'm not sure I understand the question.

11   Q.   Was there a person responsible to see the final

12   implementation of this enhancement?

13   A.   There were multiple people working on it, but

14   predominantly the project leads was Wesley and me.

15   Q.   Has the enhancement actually worked?

16   A.   We think so, yes.

17   Q.   And how do you gauge that, do you have any

18   statistics to measure it?

19   A.   We do use the disputes data, we track how many

20   disputes we've received, and also off the disputes that

21   are received, how many of them are removed from the

22   consumer's report and how many are not.

23   Q.   And how has that data shifted, if at all, after

24   the implementation of the enhancement?

25   A.   I don't have exact numbers right now, but we

PAVITHRA RAMESH
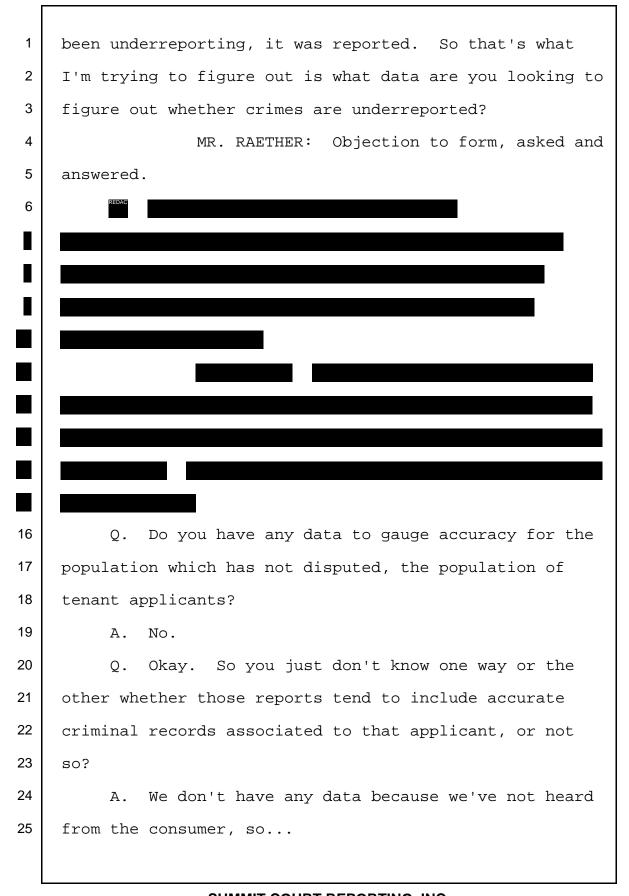
1 did see a decrease in these non-match disputes, and off

2 the disputes, we also have found that we are not

3 removing records as much as we used to.

4   Q.   How big of a decrease in non-match disputes,

5 was it ten percent, 50 percent?

6   A.   Again, I don't have exact numbers, but I would

7 say close to 40 to 50 percent.

8   Q.   Do you know how or what percentage of reports

9 the enhancement applies to?

10   A.   I don't understand.

11 REDAC ████████████████████████████████████

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13   A.   I don't know that information.

14   Q.   What's the total number of reports that

15 RealPage sells in any given year?

16   A.   I don't have that number either.

17   Q.   When you talked about bulk data being purchased

18 from Genuine Data Services earlier and you said that

19 it's done on a regular cadence, how many records are

20 delivered per such regular cadence?

21   A.   I don't have a number, and I don't think I can

22 get to a number either because --

23   Q.   Why is that -- why is that?

24   A.   Because with every cadence, it's different

25 jurisdictions, it's -- so with -- depending on the

PAVITHRA RAMESH

1   combination of the jurisdictions that they provide

2   updates to, the numbers could vary.

3   Q.   Do you keep track of how much bulk data Genuine

4   Data Services sells to you?

5   A.   We keep track of the jurisdictions, the number

6   of jurisdictions they provide us, yes.

7   Q.   Okay.

8   MR. SOUMILAS: Why don't we take a break

9   here.   I know you all need to take a lunch break, so

10 we'll go off the record, and then we'll resume -- or

11 we'll talk about what the appropriate time is.

12   THE VIDEOGRAPHER: We are now off the

13 record.   The time is 12:52 p.m.

14   (Recess taken from 12:52 to 1:36)

15   THE VIDEOGRAPHER: We are now back on the

16 record.   The time is 1:36 p.m.

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PAVITHRA RAMESH

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8   Q.   So you've mentioned this a couple times, you

9   said the right threshold between not underreporting

10   criminal records but not overreporting non-matching

11   criminal records, correct?

12   A.   Yes.

13   Q.   And you said that the enhancement reduced the

14   number of non-match records being reported by as much as

15   40 to 50 percent?

16   A.   Yes, that is correct.

17   Q.   Did it increase -- or did it result, I should

18   say, in the underreporting of certain crimes?

19   A.   We have not had any evidence of that. So

20   unless someone tells us we've not reported this offense

21   of mine, we have no way of knowing, and we don't have

22   any such evidence.

23   Q.   So then how would you measure whether you're

24   underreporting criminal offenses, if you don't have any

25   measure or any objective evidence?

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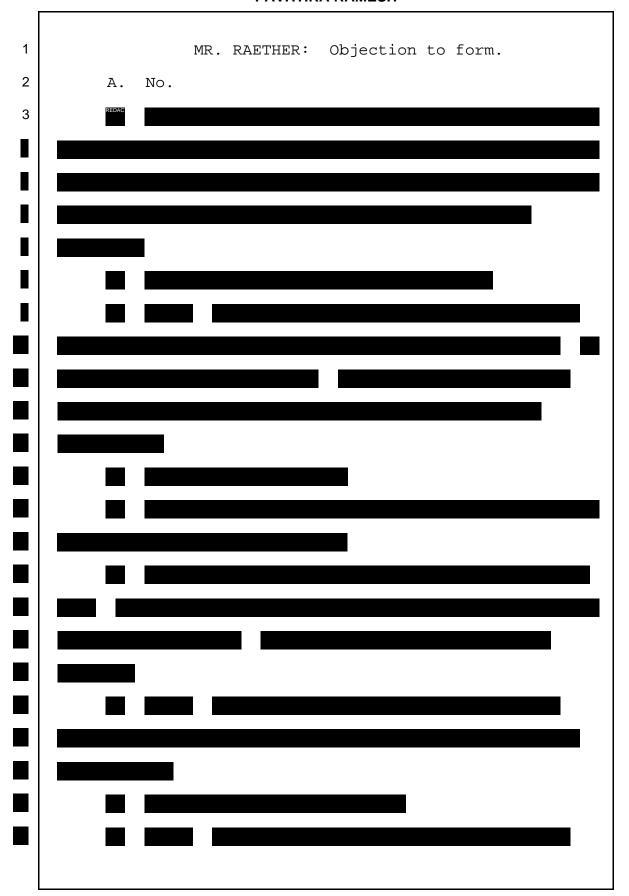
1   A.   So when we set the threshold, it was based on

2   historical evidence, right, because in the past, we did

3   report -- we did report and we did get disputes and we

4   knew what the result was, or we did not get disputes.

5   We were able to set a threshold.

6   Going forward, the only way of knowing

7   whether we missed -- or underreporting a record is if a

8   client finds it and tells us, or if an applicant owns up

9   to not having a record.

10   Q.   Okay. But how about looking backwards, how

11   would you know from historical data whether you're under

12   view -- or underreporting certain records?

13   A.   There is no way of knowing.

14   Q.   Okay. So when you just testified about finding

15   the right threshold or the right balance between not

16   underreporting criminal records but not overreporting

17   non-matches, what data are you looking at to come up

18   with that balance?

19   A.   Yeah. So we do have dispute data where not --

20   where a significant portion of them, we -- the results

21   of the investigation is that we're going to leave the

22   record back on the file.

23   REDACTED

24   them or most of them to not be reported to begin with,

25   then that's underreporting. Because after

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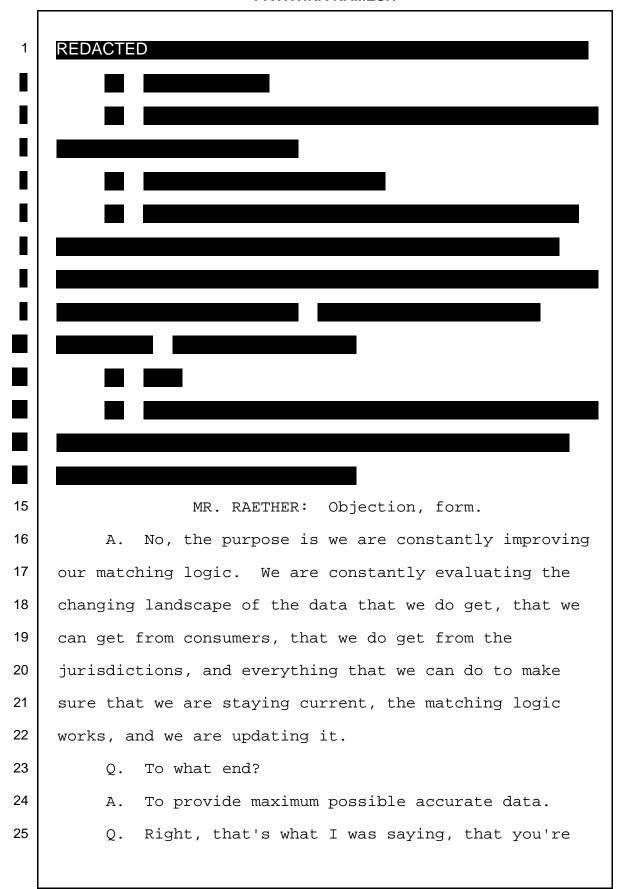
1   investigations, we could not say that it's a non-match,

2   it still remains on file.

3   So the underreporting and overreporting

4   that I am talking about is based on historical data of

5   everything that we have reported and disputes that came

6   out of it and the results of the disputes.

7   Q. All right. So your entire universe of data is

8   the dispute data. You are not measuring accuracy with

9   any other barometer; is that right?

10   A. Presence or absence of disputes and what

11   happened with the dispute data, yes, correct.

12   Q. And you're assuming that if the record is

13   removed, then it's a non-match and it shouldn't have

14   been there in the first place, correct?

15   A. We are assuming -- the record, yes.

16   Q. Do you know what percentage of records

17   historically have been removed following a non-match

18   dispute?

19   A. I don't know the exact numbers.

20   Q. And for purposes of this balance, you're also

21   assuming that if a record is disputed and it stays on,

22   that it should have been there in the first place?

23   A. That is correct, yes.

24   Q. Okay. That doesn't seem to have anything to do

25   with underreporting of data because it wouldn't have

PAVITHRA RAMESH

1   been underreporting, it was reported. So that's what

2   I'm trying to figure out is what data are you looking to

3   figure out whether crimes are underreported?

4   MR. RAETHER: Objection to form, asked and

5   answered.

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16   Q. Do you have any data to gauge accuracy for the

17   population which has not disputed, the population of

18   tenant applicants?

19   A. No.

20   Q. Okay. So you just don't know one way or the

21   other whether those reports tend to include accurate

22   criminal records associated to that applicant, or not

23   so?

24   A. We don't have any data because we've not heard

25   from the consumer, so...

PAVITHRA RAMESH

1   Q.   But independently on your own, you haven't done

2   some type of a -- you know, a survey or a sampling of

3   records to determine whether they are actually criminal

4   records for crimes committed by the people who are

5   applying for apartments?

6   A.   There is no way to do that kind of analysis

7   because we have the data that we used to -- that the

8   system uses to match on and report on. We don't have

9   any more data. Having a human review it is only going

10   to cause some bias, right, without additional data or

11   without the consumer or the client dispute, where we can

12   assess it on a case-by-case basis, it's not possible to

13   do a widespread analysis.

14   Q.   You would agree with me that if you had more

15   complete data concerning the perpetrators of the crime,

16   including their complete date of birth or Social

17   Security number, that that type of an analysis would be

18   possible?

19   MR. RAETHER: Objection, vague and

20   ambiguous.

21   A.   I'm not sure if I can answer that with

22   certainty.

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18   Q.   Do you know how the enhancement has affected --

19 strike that.

20   Among the population of tenant applicants

21 who have disputed a criminal record as a non-match, but

22 the record has nevertheless stayed on, on their file, do

23 you know what percentage of those people actually

24 committed the crimes which are associated with their

25 report?

PAVITHRA RAMESH

1   MR. RAETHER: Objection to form.

2   A. No.

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15   MR. RAETHER: Objection, form.

16   A. No, the purpose is we are constantly improving

17 our matching logic. We are constantly evaluating the

18 changing landscape of the data that we do get, that we

19 can get from consumers, that we do get from the

20 jurisdictions, and everything that we can do to make

21 sure that we are staying current, the matching logic

22 works, and we are updating it.

23   Q. To what end?

24   A. To provide maximum possible accurate data.

25   Q. Right, that's what I was saying, that you're

PAVITHRA RAMESH

1   using this logic to try to get a correct match between a

2   criminal record and a tenant applicant who's applying

3   for an apartment, correct?

4   A.   Yes.

5   Q.   And you felt that the logic needed some type of

6   an enhancement, that's why you rolled this enhancement

7   out in September 2017; otherwise, you wouldn't have done

8   it. Is that correct?

9   A.   I was part of the project. Again, I don't know

10   what the basis of starting this project was. It's not

11   so much --

12   Q.   Okay.

13   A.   -- it's about ensuring that we're keeping up

14   with the technology and we're keeping up with the

15   changing landscape and making sure that our system

16   continues to stay dynamic.

17   Q.   Well, that's what I'm trying to figure out.

18   I'm trying to figure whether the enhancement is an

19   enhancement that's designed to assure accuracy in the

20   matching, or whether it's an enhancement to keep up with

21   new technology or new software or to become, you know,

22   compatible with how the data is coming in, the

23   formatting and so forth. Could you answer that?

24   A.   So the enhancement is to ensure that we are

25   consistently continuing to report records with maximum

PAVITHRA RAMESH

1 possible accuracy. To say improving in accuracy, to

2 your point, if we don't have disputes from consumers, we

3 don't know whether -- you know, whether the record

4 belongs to them or not. We take that it does because

5 they've not disputed it.

6   But also to your point, not everyone who

7 disputes it -- not everyone who disputes it do not have

8 the record matched to them. There's a significant

9 portion where even after the dispute, after the

10 investigations, we do rule it and say it should still

11 stay on your report.

12   So your definition of accuracy, I'm -- I

13 think that's where I'm trying to clear that this is to

14 keep up with technology and also to ensure that we

15 are -- to keep up with the changing landscape of data,

16 and obviously to ensure that we are reporting with

17 maximum possible accuracy.

18   Q. Do you think that the enhancement has improved

19 the accuracy of the matching of criminal records to

20 tenant applicants?

21   A. Based on the disputes and the results of the

22 disputes data, yes.

23   Q. All right. Because that is your only measure

24 that you have to judge whether there's any differences,

25 how the dispute data is looking, before and after,

PAVITHRA RAMESH

1 correct?

2   A. Yes. The number of disputes and also what the

3 result of the disputes were.

4   Q. Right. So that is the population we're looking

5 at, we don't know what's going on with the population

6 that's not disputing just simply because we don't have

7 any data on it; do you agree with that?

8   A. Correct. Yes.

9   Q. But on the population for which we do have

10 data, I think you're telling me that this enhancement is

11 reducing the number of disputes of non-matches very

12 significantly, by as much as 40 to 50 percent, correct?

13   A. Correct. Yes.

14   Q. And that is by scoring this matching logic to a

15 point where, you know, you said, you're -- to achieve

16 the correct balance, but it is basically ferreting out

17 those records which would have been considered a match

18 in the past but now are scoring too low?

19   MR. RAETHER: Objection, form.

20   A. Yes, that is correct.

21   Q. Okay. Therefore, would you agree with me that

22 it's the matching logic that's causing the non-matches?

23   A. But this enhancement is part of the matching

24 logic, so there's -- I'm not able to separate those two

25 out.

PAVITHRA RAMESH

1   Q. Well, why not? Let's take it a step at a time.

2   You first consider a set of rules in relating a criminal

3   record to a tenant applicant, correct?

4   A. Yes --

5   Q. All right.

6   A. -- several rules.

7   Q. I'm sorry?

8   A. Several rules. Sorry, go ahead.

9   Q. What did you say, several what?

10   A. Several rules that go into the matching logic,

11   I wasn't -- go ahead, sorry.

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7   Q. All right. Now along with that, I'd like you

8   to take a look at Ramesh 3, which is the screening

9   report that was prepared in this case in August 2017 for

10   the plaintiff, Diane Jones. Do you have that as well?

11   A. Yes, I do.

12   Q. All right. So I want to see if I can walk you

13   through the process of matching. Let's start, I guess,

14   where the beginning would be, where you're getting an

15   inquiry from a client that there's a tenant applicant

16   and they're looking to screen them; would that be

17   correct?

18   A. Yes, that is correct.

19   Q. Are your tenant applicants allowed to access

20   some computer system to make that request for a -- for a

21   screening report?

22   A. Yes.

23   Q. Okay. And in this case, it looks that it's --

24   Marietta Road is the landlord that's making the request,

25   correct?

PAVITHRA RAMESH

1   A.   That is correct, yes.   That's the property.

2   Q.   Now as part of the usual process of how a

3   request like this will be made, I take it the landlord

4   will need to identify the tenant, correct?

5   A.   You would expect so, yes.

6   Q.   In fact, there are certain fields that

7   landlords need to fill in, in order to make a request

8   for a background report on a tenant -- potential tenant?

9   A.   Correct.

10   Q.   All right.   So in this case, when we look at

11   Ramesh 3, and we see certain information at the top,

12   such as Diane D. Jones with a University Heights, Ohio,

13   address; do you see that?

14   A.   Yes, I do.

15   Q.   Would that be supplied by the landlord to

16   RealPage in connection with a request for a report?

17   A.   It is supplied by the applicant to the landlord

18   and to RealPage.

19   Q.   Okay.   That's a good point.   So the tenant

20   applicant would obviously have access to their

21   information, they'll give it to the landlord, and when

22   the landlord wants a RealPage screening report, they'll

23   put it in the system?

24   A.   Correct.

25   Q.   Okay.   And then we see a date of birth for the

PAVITHRA RAMESH

1 applicant. That's usually required to get one of these

2 reports?

3   A. Yes.

4   Q. And is it date, month, and year that's

5 required?

6   A. That is correct.

7   Q. And then we have a Social Security number for

8 the applicant. Here, again, it's partially masked, I

9 guess for security purposes, but it looks like it was

10 provided for Ms. Jones, correct?

11   A. Yes.

12   Q. And, again, this is a required field where the

13 tenant would provide the information to the landlord,

14 the landlord would need to plug it into the system to

15 make the request for a screening report?

16   A. Social Security numbers are not required.

17 They're encouraged to enter it, but they're not

18 required.

19   Q. Okay. So there's a field for it, but if the

20 landlord doesn't fill it in, it's not going to stop them

21 from getting a report?

22   A. Right.

23   Q. What's the minimum information that's

24 required -- what are the required fields that the

25 landlord must fill out in order for the process to go

PAVITHRA RAMESH

1   forward?

2   A.   The name, date of birth, and at least one

3   current address.

4   Q.   Okay.   And the Social Security number, if they

5   have it, there's a field for it, right?

6   A.   Yes.

7   Q.   Okay.   Do you encourage landlords to provide

8   Social Security numbers?

9   A.   Yes.   We don't discourage them from not

10   providing it.

11   Q.   If RealPage wanted to add an additional field

12   to landlords to provide information about the applicant,

13   could it do that?

14   A.   Depends on what information.

15   Q.   Well, I mean -- so that's a good point.   I'm

16   just asking from a technical point of view, if you

17   wanted to add an additional field to say, would you

18   please give us your driver's license number, would you

19   be able to add that to the computer system?

20   A.   Yeah, we can add additional fields.

21   Q.   Okay.   Are the basic fields available now,

22   name, address, date of birth, and if available, Social

23   Security number?

24   A.   We have some other fields, like gender.

25   Q.   Gender, okay.   I see that.   Anything else?

PAVITHRA RAMESH

1   A. We have a field for driver's license or a state

2   ID, and month and rent -- monthly rent and income, but

3   none of them are required.

4   Q. Okay. In the case of Jones, do we know whether

5   there was a field for a driver's license?

6   A. I do not know that.

7   Q. Where would it be? I don't even see a field on

8   this report.

9   A. It would be in the application, not in the

10   screening report.

11   Q. Oh, got it. Okay.

12   At any rate, would you agree with me that

13   it is RealPage that sets the fields that landlords are

14   required or encouraged to fill in, as the case may be,

15   in order for them to make a request for a screening

16   report?

17   A. So RealPage does provide the software, but

18   landlords can -- like Social Security, landlords can

19   elect to not require Social Security numbers, or require

20   it.

21   For RealPage, name, address, and date of

22   birth is required. Everything else is based on the

23   landlord to provide or not.

24   Q. Okay. Let me just clarify this point because

25   it might end up being an important one, I'm not sure,

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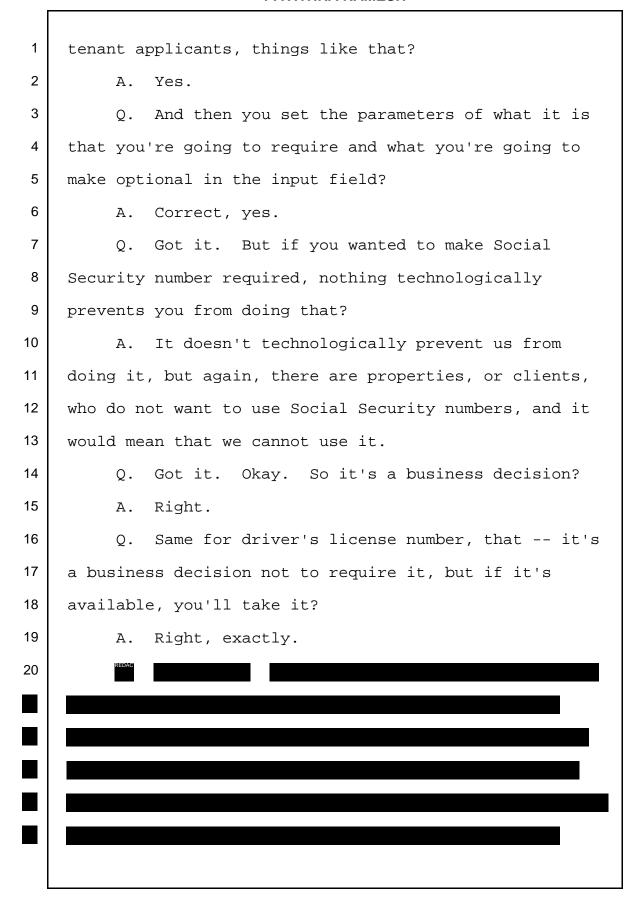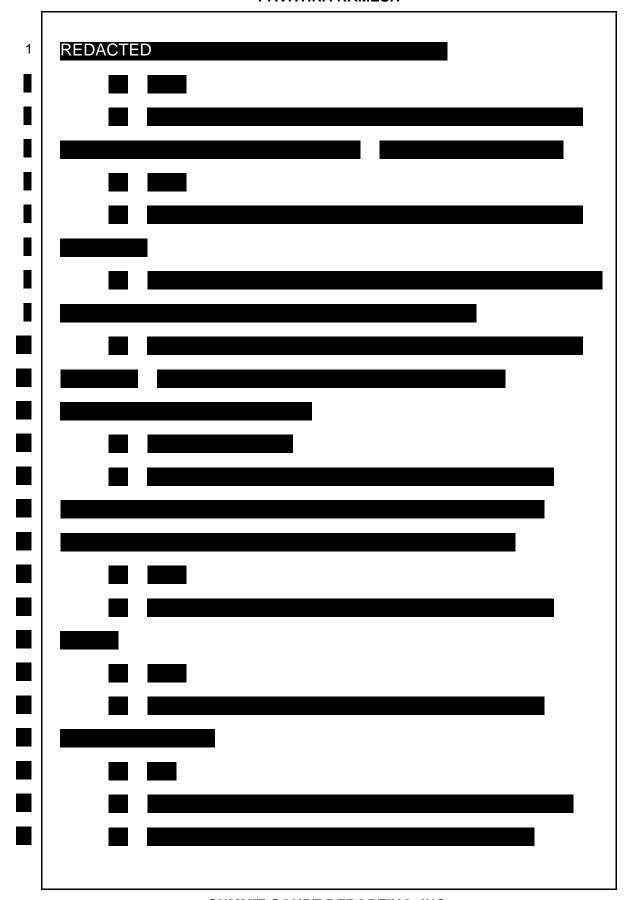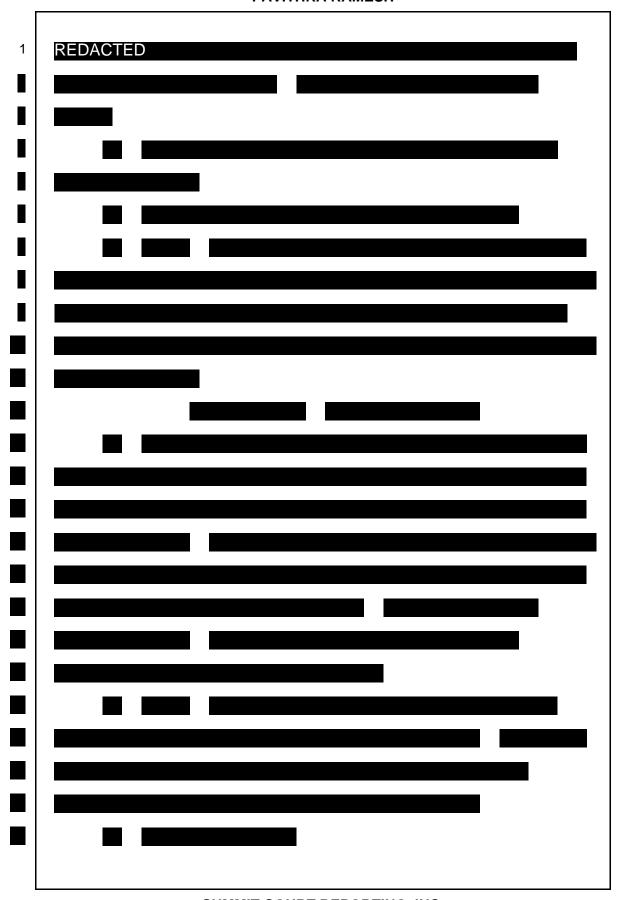
1   but I think we've all done things online these days

2   where you go and fill out some information on a website

3   and some of the fields are required and some of the

4   fields are optional. You've seen that, right?

5   A.   Yes.

6   Q.   And then if you don't fill out data on the

7   required fields, the computer doesn't let you get on to

8   the next page, but if you leave an optional field blank,

9   you can move on to the next page. Do you know what I'm

10   talking about?

11   A.   Yes.

12   Q.   My question is, does RealPage get to control

13   which fields are the required ones and which ones are

14   the optional ones?

15   A.   It's not a yes or no answer. Like, example,

16   Social Security, a property can say that I do not want

17   Social Security from my applicants, which means we

18   cannot make it a required field. The only fields that

19   RealPage requires to run any kind of screen is name,

20   address, and date of birth.

21   Q.   Okay.

22   A.   So it is customizable to a certain degree.

23   Q.   Okay. So you take into consideration the

24   wishes of your customers as to what type of data might
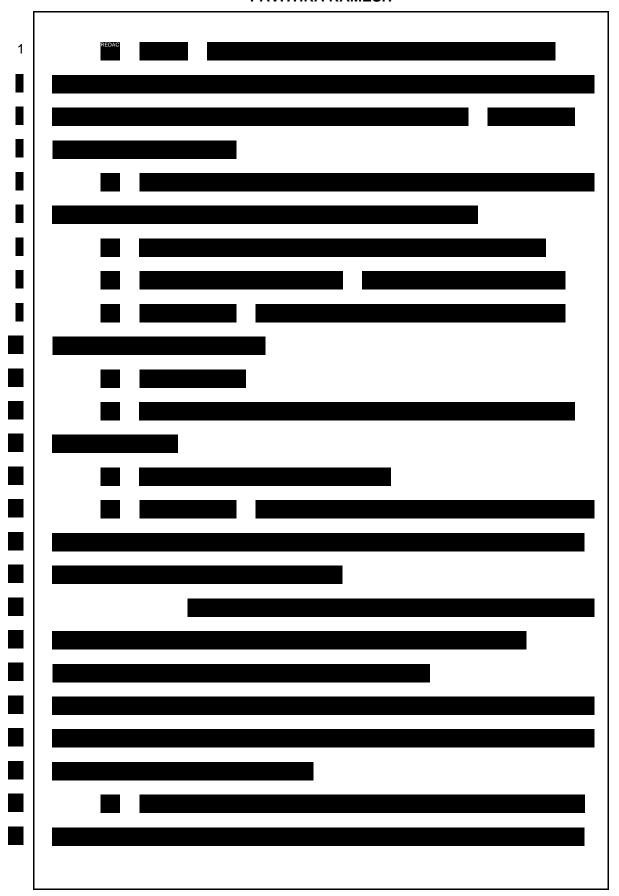
25   be readily available to them or provided easily by

PAVITHRA RAMESH

1   tenant applicants, things like that?

2   A.   Yes.

3   Q.   And then you set the parameters of what it is

4   that you're going to require and what you're going to

5   make optional in the input field?

6   A.   Correct, yes.

7   Q.   Got it. But if you wanted to make Social

8   Security number required, nothing technologically

9   prevents you from doing that?

10   A.   It doesn't technologically prevent us from

11   doing it, but again, there are properties, or clients,

12   who do not want to use Social Security numbers, and it

13   would mean that we cannot use it.

14   Q.   Got it. Okay. So it's a business decision?

15   A.   Right.

16   Q.   Same for driver's license number, that -- it's

17   a business decision not to require it, but if it's

18   available, you'll take it?

19   A.   Right, exactly.

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8   Q.   Have you looked into whether requiring an exact

9   character-for-character name match and an exact date of

10 birth match -- month, date, and year -- might affect the

11 sales of your reports?

12   A.   We've haven't looked at it from an analytical

13 perspective.

14   Q.   Have you looked at it from some other

15 perspective?

16   A.   We have -- we know from our disputes that there

17 are some disputes that we -- after the investigation, we

18 say -- we leave the record on the report. So those were

19 not exact character-for-character matches on first names

20 and exact date of birth matches.

21   So we know from empirical evidence --

22 not empir- -- from hearsay evidence that it is going to

23 cause us to lose, you know, underreport, going back to

24 the underreporting and overreporting balance, but we

25 don't have exact numbers to justify or give you an

PAVITHRA RAMESH

1 analytical view as to what that would mean.

2   Q. Have you had a chance to see the defendant's

3 First Supplemental Objections and Responses to Plaintiff

4 Diane Jones's Interrogatories in this case?

5   A. I'm not sure.

6   Q. Let me show them to you and then see if you can

7 answer the question.

8   MR. SOUMILAS: And then we'll mark this as

9 Ramesh 6. It's about an 11-page document, it reads,

10 Defendant's Objections and Responses to Plaintiff Diane

11 Jones' -- Plaintiff Jones' First Set of Interrogatories,

12 and the heading says, First Supplemental Objections and

13 Responses.

14   (Exhibit No. 6 marked.)

15   THE REPORTER: I have it marked.

16   MR. SOUMILAS: Okay. Thank you.

17   Q. Before we turn to that document, Ms. Ramesh,

18 let me just stay a moment longer about the comment you

19 just made about this balance between underreporting

20 crimes and overreporting non-matches.

21   Are you aware of any instances where

22 RealPage's customers have come back and said you failed

23 to report this crime about someone and ended up giving

24 them an apartment and then something bad happened?

25   A. Yes.

PAVITHRA RAMESH

1   Q. Okay. How many of those instances?

2   A. I don't have the number.

3   Q. How did you become aware of them?

4   A. Again, hearsay, they typically reach out to

5 our -- their account managers, their customer success

6 representatives, and then it gets quickly escalated

7 through the ranks of RealPage.

8   Q. You're saying that this is how it would happen

9 typically?

10   A. Yes.

11   Q. I'm asking about any one example that you are

12 familiar with, how did it come to your attention?

13   A. Same way. Clients would reach out to account

14 managers, or their customer success representatives, who

15 would bring the question to us, and we would then

16 research it to see did we not report it because of a

17 state compliance issue, or did we, you know, not report

18 it? And then based on that, I know that we have not

19 reported something that we should have.

20   Q. When is the last time you dealt with a

21 situation like that?

22   A. I -- I don't have the date off the top of my

23 head.

24   Q. What could you tell us about it, who was the

25 client involved, what happened?

PAVITHRA RAMESH

1   A. I don't -- I don't have too many details of it

2 without -- without going through it -- I mean, I can't

3 recollect much.

4   Q. When you say "go through it, is there some

5 record of instances like this where a client is telling

6 RealPage that they underreported a crime?

7   A. There's -- there's an e-mail chain somewhere.

8   Q. Okay. Are all these instances maintained in a

9 database or in a place where we could find them?

10   A. No, they're not.

11   Q. How many of these instances occur over the

12 course of a year total?

13   A. I don't know that.

14   Q. When is the last time you were personally

15 involved in one of those situations, a month ago, three

16 months ago, a year ago, what was it?

17   A. It's -- it's hard to give you an exact time

18 frame because, like I said, there are instances where

19 the response is we could not have reported this because

20 of a compliance issue. You know, the State does not

21 allow us to report more than seven years, five years,

22 whatever the compliance is. So it's hard for me to

23 recollect exactly when we should have reported something

24 and we didn't for reasons outside of the compliance.

25   Q. Okay. So you're saying certain states make it

PAVITHRA RAMESH

1 unlawful to report certain old criminal offenses, for

2 example, right?

3   A.   Yes.

4   Q.   Or ones that have been sealed or expunged,

5 correct?

6   A.   Correct.

7   Q.   Okay. So no business in your shoes would be

8 permitted to make that reporting?

9   A.   Correct.

10   Q.   It's legally not permitted, you're saying. I'm

11 asking for something else, where it is legally permitted

12 to report a criminal, but you just missed it --

13   A.   I --

14   Q.   You missed it, you shouldn't have missed it,

15 and then the client was upset, and said, how come you

16 didn't catch that Diane Jones had a criminal history?

17 Do you keep those situations tracked somehow?

18   A.   Not that I know of.

19   Q.   Have you personally ever dealt with one?

20   A.   Not personally, no.

21   Q.   And how many would you say over the course of a

22 year, situations like that, occur companywide?

23   A.   I don't know the number.

24   Q.   Okay. Is it fair to say that you simply don't

25 have any consistent or reliable data on your degree of

PAVITHRA RAMESH

1   underreporting of lawful crimes that you could report?

2   A. Yes. I mean, we have data when our clients

3   come and tell us, but there's not -- I don't know what

4   you mean by "consistent data source."

5   Q. Well, I'll tell you what I mean, you seem to

6   keep data when consumers come to you and say you

7   mismatched me with a criminal record and it's not mine.

8   And then you investigate it and you keep a record as to

9   whether you said you removed the record or whether you

10   keep it on, correct?

11   A. Correct, it's our disputes process.

12   Q. I'm wondering whether you have a similar

13   disputes process, or other similar process, for clients

14   of yours who are saying you've -- you've missed

15   something, you didn't tell me that someone had a

16   criminal history?

17   A. Not that I know of.

18   Q. All right. Looking at Ramesh 6, which is the

19   supplemental interrogatories, I want to direct your

20   attention to page 5.

21   MR. RAETHER: Sorry, you're looking -- go

22   ahead.

23   Q. So it's page 5, interrogatory 6, please. Do

24   you have that in front of you?

25   A. Yes.

PAVITHRA RAMESH

1   Q.   That's a question asked by Ms. Jones of

2 RealPage, and it says, quote, state the total number of

3 consumers with an address in the United States and its

4 territories about whom you sold a report for each

5 calendar year between March 6, 2014, and the present,

6 which included one or more items of criminal record

7 information for which the first and last name of the

8 individual who was the subject of the report was not a

9 character-for-character match to either the name of the

10 offender or any of the alias names listed on the

11 criminal record.

12   Do you see that?

13   A.   Yes.

14   Q.   Did you participate in some way in trying to

15 determine whether there was an answer to that question?

16   A.   Yes.

17   Q.   And if you look on the next page, after a set

18 of objections, it says, subject to and without waiving

19 its objections, RealPage responds as follows, none. Do

20 you see that?

21   A.   Yes.

22   Q.   And did you have something to do with coming up

23 with the answer, "none," in response to interrogatory

24 No. 6?

25   A.   I was part of the team, yes.

PAVITHRA RAMESH

1   Q. Okay. It was a team working on it. Who else

2 was on the team?

3   A. No, I meant the lawyers and me. I meant, the

4 lawyers as the team.

5   Q. Oh, okay. So the lawyers were working on this

6 because it's a law case, and then from a technical point

7 of view to search the database, it was you and you

8 alone?

9   A. I had to -- there were other questions where I

10 had to ask whether it was possible or not, but -- and

11 I -- the answer was no, so I had to get confirmation.

12   Q. Okay. Tell me what you did to answer this

13 question, "none."

14   A. So this is pretty straightforward since we

15 always require the last name to be a

16 character-for-character match. So there would have been

17 no matches where the last name was not a

18 character-for-character match with either the offender

19 or the alias names listed in the report.

20   Q. Okay. But the question asks for situations

21 where the first and last name are not a

22 character-for-character match. So it's not just one or

23 the other, it's both. Did you look into that?

24   A. Well, the question says, first and last name of

25 the individual was not a character-for-character match.

PAVITHRA RAMESH

1   We always require a character-for-character match for

2   the last name. So irrespective of how the first name

3   and every other name and every other matching criteria

4   triggered, the answer is none because the last name

5   always has to be a character-for-character match.

6   Q.   Looking back to Ramesh 3, which is the report

7   that RealPage prepared for Ms. Jones in August of 2017,

8   you told me that the criminal record on page 3 matched

9   Ms. Jones because of the name Tina Jones as an alias and

10   a year of birth being the same, correct?

11   A.   Yes.

12   Q.   Okay. Well, you would agree with me that the

13   name "Tina" does not match character-for-character with

14   the name "Diane," wouldn't you?

15   A.   In isolation, yes.

16   Q.   Okay. So that's what we're looking for, we're

17   looking for situations like this where the first name

18   and the last name of the individual who is subject of

19   the report, in this case Diane Jones, was not a

20   character-for-character match to either the name of the

21   offender -- and the name of the offender here is Toni

22   Taylor, correct?

23   A.   Correct.

24   MR. RAETHER: Objection to form.

25   Q.   That's not a character-for-character match;

PAVITHRA RAMESH

1   would you agree?

2   A. It's not a match to the offender, yes.

3   Q. And it's not a character-for-character match to

4   the name Tina Jones either, is it?

5   A. So I think -- the last name is a

6   character-for-character match. The question says, where

7   first and last names are not a character-for-character

8   match. So in this instance, the last name is a

9   character-for-character match, so that would not come

10   under this.

11   Q. Okay. So I don't think that's what the

12   question asks, but let me elaborate. I think you're

13   making the point that the last name Jones matches to the

14   name Jones character-for-character, correct?

15   A. Yes.

16   Q. Okay. But the first name, Diane, does not

17   match character-for-character with either Toni or Toni

18   Taylor or Tina or Tina Jones, or frankly, any of the

19   first names of this offender or any of her aliases,

20   correct?

21   A. Yes.

22   Q. Okay. So if I wanted to answer that question,

23   which is how many situations are there just like the

24   plaintiff, Diane Jones', where we have some variation in

25   the first name, where the -- the name is not a

PAVITHRA RAMESH

1   character-for-character match to either the alias or the

2   name of the offender, how do we go about deriving that?

3   A.   I would have to confirm if we do have logging

4   and see how to get that information. I would -- I -- I

5   can't confirm that right now.

6   Q.   Where is the data on credit reports like

7   Ms. Jones' housed, what type of a database?

8   MR. RAETHER: Objection to form.

9   A.   The reports are stored in databases, in SQL

10 server databases, in an XML format.

11   Q.   Okay. Do you know where, specifically, we were

12 able to get a copy of this report that was produced

13 about Ms. Jones and which now we've marked as Ramesh 3?

14   A.   That specific report copy comes from the

15 application, the screen -- the screening application,

16 the LeasingDesk screening application, which is used to

17 run a screen. We also have historical reports in that

18 application where you can click a button and get the

19 report.

20   Q.   Okay. Would you agree with me that every time

21 there's an application where a report is delivered to a

22 landlord that RealPage would keep a copy of that report?

23   A.   Yes.

24   Q.   And those reports should look in format similar

25 to the one we have here as Ramesh 3 for Ms. Jones,

PAVITHRA RAMESH

 1   correct?

 2   A.   Yes.

 3   Q.   What's the format that you said that the

 4   reports are in?

 5   A.   The raw data is in SQL servers. The report

 6   itself is generated from the data.

 7   Q.   Okay. You said some type of a format a moment

 8   ago, I thought you said XMF?

 9   A.   Oh, XML format.

10   Q.   XML, okay. That's what it is.

11   And how many years back are these reports

12   maintained?

13   A.   I don't know the answer to that.

14   Q.   Okay. Is there any information that you have

15   that could tell us that reports are purged after a

16   certain number of years?

17   A.   Clients could request to remove their reports,

18   but, again, I'm not sure of how many years.

19   Q.   Did you make any effort to search for the thing

20   that we're discussing here today about a situation where

21   the first and the last name together are not a match

22   character-for-character between the offender and the

23   applicant?

24   A.   So the answer is still none because the last

25   names always have to be a character-for-character match.

PAVITHRA RAMESH

1   I think your question is just focused on first names

2   alone, but when we look at first names and last names of

3   the individual, then there's never a time when both of

4   them are not a character-for-character match because one

5   always has to be a character-for-character match.

6   Q. Okay. So we're going to disagree about this

7   because if just the last name is a

8   character-for-character match, it simply does not mean

9   that both the first name and the last name are?

10   A. Correct. But the question is -- the question

11   is not for which the first and the last name of the

12   individual is a character-for-character match. The

13   question is for which the first and the last name of the

14   individual was not a character-for-character match. So

15   both the first name and the last name not being -- both

16   of them not being a character-for-character match would

17   never happen is my point.

18   Q. Okay. So as I said, I think we're going to

19   disagree about what the question asks for --

20   A. Okay.

21   Q. -- but why don't we get beyond that

22   disagreement by narrowing the question to instances in

23   which the last name is a match, because it has to be you

24   said, right?

25   A. Yes.

PAVITHRA RAMESH

1   Q. But the first name is not a

2 character-for-character match, so all we're focusing on

3 is on the first name. Now did you make any effort to

4 locate situations like that?

5   A. No, I did not.

6   Q. And are you able to make such an effort?

7   A. I cannot confirm if I'm able to or not.

8   Q. Okay. Have you, as a researcher, done any

9 searches in the past concerning names of credit

10 applicants?

11   A. I'm not sure I follow the question.

12   Q. Have you done any type of a research project in

13 another context where you were asked to consider a

14 search that included the first name of tenant

15 applicants?

16   A. Again, what do you mean by "search of the first

17 name of the tenant applicants"?

18   Q. I'm sorry, it's a broad question intentionally

19 because I don't know what you do in your day-to-day

20 activities as a researcher. But you said at the

21 beginning that you research all sorts of matters for

22 RealPage, so I'm wondering whether you had an occasion

23 where part of your research needed you to pull out data

24 that would be searching names, first names?

25   A. No.

PAVITHRA RAMESH

1   Q.   Are you -- is RealPage not capable of searching

2   its servers for the data in XML format to determine

3   whether the names of applicants -- the first names of

4   applicants match the first names of offenders?

5   A.   I would have to confirm that.

6   Q.   Okay. You're not saying yes, you're not saying

7   no, you just don't know sitting here today?

8   A.   Yes, that is correct.

9   Q.   And you didn't make any efforts leading up to

10   today to find that out?

11   A.   Yes.

12   Q.   Okay. So I'll take you back to Ramesh 2,

13   right, which is the 30(b)(1) deposition notice for the

14   person familiar with RealPage's search and query

15   capabilities regarding consumer data.

16   A.   Um-hmm.

17   Q.   What did you do prepare to give testimony on

18   that subject today?

19   A.   Can I reference 6 where -- where for all the

20   queries that was requested, we attempted to see if we

21   can query the database or not, and except for question

22   No. 6, every other response was we cannot query the

23   database. We just -- we cannot query the database to

24   give the exact information that was asked, so that's the

25   preparation that went into the person who queried any

PAVITHRA RAMESH

1   databases.

2   Q.   Okay. So your preparation to talk about the

3   query capabilities was focused on efforts that you made

4   to answer other interrogatory questions?

5   A.   Yes.

6   Q.   Other than No. 6?

7   Like which ones, for example?

8   A.   No. 5 and No. 7.

9   Q.   Okay. So let's focus on No. 5 first. This

10   asks for the total number of consumers in the United

11   States or territories during a certain time frame who

12   meet a certain profile, and it's, one, one or more items

13   of criminal record information; two, the first name of

14   the offender as listed on the criminal record was not a

15   character-for-character match to the first name of the

16   individual who is the subject of the report; and three,

17   the last name of the offender as listed in the criminal

18   record was not a character-for-character match to the

19   last name of the individual who was the subject of the

20   report.

21   You're saying that you actually did some

22   searches to answer that question?

23   A.   No, I could not do searches to answer the

24   question.

25   Q.   And -- so what you're saying is that you didn't

PAVITHRA RAMESH

1   do any searches, but you deduced that because, according

2   to your search logic the last name must always match,

3   that you're not going to be able to satisfy anybody who

4   is in category -- who has the third condition?

5   A.   So, yes, if the match was to an offender name,

6   then there would not be anyone in that category because

7   of number three, and if the match --

8   Q.   Okay.

9   A.   -- happened to an alias name, I don't know

10   which alias name it's matched to, and there are

11   instances when the alias name, last name, is the exact

12   same last name as an offender, and that's why we cannot

13   conduct this analysis.

14   Q.   Okay. So I guess that's what I'm trying to get

15   at. Is the answer that we cannot conduct the analysis,

16   or we tried several searches and it just doesn't work,

17   or we were -- we got results that are not conforming or

18   overinclusive or underinclusive or whatever it was?

19   A.   No, we cannot conduct the analysis because we

20   don't know which alias name we matched to.

21   Q.   Okay. Is that also the case for No. 7, why the

22   answer is that you can't come up with an answer to that?

23   A.   Yes.

24   Q.   Okay. So all of your answers to the

25   interrogatories are not based on empirical searches of

PAVITHRA RAMESH

1   the database, it's on your understanding of the logic

2   and how we're basically asking for an impossibility as

3   you read the questions?

4   MR. RAETHER: Objection, form.

5   A. It's not based on my understanding of the

6   logic, but it's based on what data there is to query and

7   get the answer. If we don't have data, we cannot get to

8   the answer.

9   Q. So separate and apart from your understanding

10 of queryable data, did you do anything to be prepared to

11 answer today questions about the query capabilities

12 regarding consumer report data?

13   A. No.

14   Q. So if I were simply to ask you an open-ended

15 question, what are the query capabilities that you have

16 available to you, could you answer that?

17   A. Yes. I can tell you which record matched to

18 which applicant, but I cannot tell you whether it was

19 the offender name or the alias name that matched. I can

20 tell you -- without the name that matched, we do have

21 logging, you know, which talks about which states the

22 offender's information came from, the -- the -- how the

23 date of birth matched, how the names matched, but I

24 don't have the names that did match. That sort of goes

25 back to the issue.

PAVITHRA RAMESH

1   Q. Is your database searchable according to the

2 various fields that show up on these reports?

3   A. What do you mean by that? Could you explain

4 that?

5   Q. In other words, what I mean is that -- so let's

6 look at the Diane Jones report, which is Ramesh 3, page

7 3.

8   A. Um-hmm.

9   Q. And there's various categories. So the very

10 first one is jurisdictional code, and we went over it,

11 it was the Georgia Department of Corrections. Do you

12 see that?

13   A. Yes.

14   Q. Are you able to search your database for data

15 that has a jurisdictional code, Georgia Department of

16 Corrections, in that field?

17   A. Yes.

18   Q. Okay. And how about -- you know, we talked

19 about date of birth and how in this report it has that

20 one-year range from January 1 through December 31; do

21 you recall that?

22   A. Yes.

23   Q. Are you able to search your database for

24 reports where that field is filled out in the same way?

25   A. Yes.

PAVITHRA RAMESH

1   Q.   Okay. Are you able to search by the name

2   field?

3   A.   If you give me a specific name, do you want --

4   Q.   Yeah.

5   A.   Yeah, yes.

6   Q.   Okay. So if I were to say search for

7   Toni Taylor, would you be able to do that?

8   A.   Off -- off all the reports that we've generated

9   that has an offender named Toni Taylor?

10   Q.   Yes.

11   A.   Yes.

12   Q.   Okay. And what if it was just the last name

13   Taylor, could you search for that?

14   A.   Yes.

15   Q.   Okay. Are you able to search your database for

16   two fields at the same time? So we've talked about each

17   one of these individually, but could you say, I want the

18   name field for the applicant to be Jones, and I want the

19   name field for the offender to also be Jones?

20   A.   Yes.

21   Q.   Okay. So we could just get a printout for all

22   the Jones applicants and all the Jones offenders, and

23   then compare whether the first names are the same or

24   not, right?

25   A.   Yes, but then we -- I'll let you finish your

PAVITHRA RAMESH

1 question.

2   Q. No, you can answer the question fully. That's

3 what I'm trying to get at.

4   A. So we -- if the name that matched to the

5 applicant is the offender's name, then yes, but

6 sometimes it's the alias name that matched, and we don't

7 know which of the alias names matched. So that's where

8 we run into the issue of, if it matched on an alias

9 name -- first name of an alias name, but the alias's

10 last name and the offender's last name are the same,

11 it's hard to figure out systematically whether it

12 matched on an alias name or it matched on an offender

13 name.

14   Q. How would that be of any consequence, what

15 difference does that make?

16   A. Because the question says, where the last name

17 of the offender as listed on the criminal record was not

18 a character-for-character match to the last name of the

19 individual. It could have matched to an alias name, but

20 the alias last name and the offender last name could be

21 the same, which means that it's hard to answer this

22 question. It muddies the waters a little bit.

23   THE VIDEOGRAPHER: Counsel, sorry to

24 interrupt --

25   Q. So I don't want to have this disagreement, I

PAVITHRA RAMESH
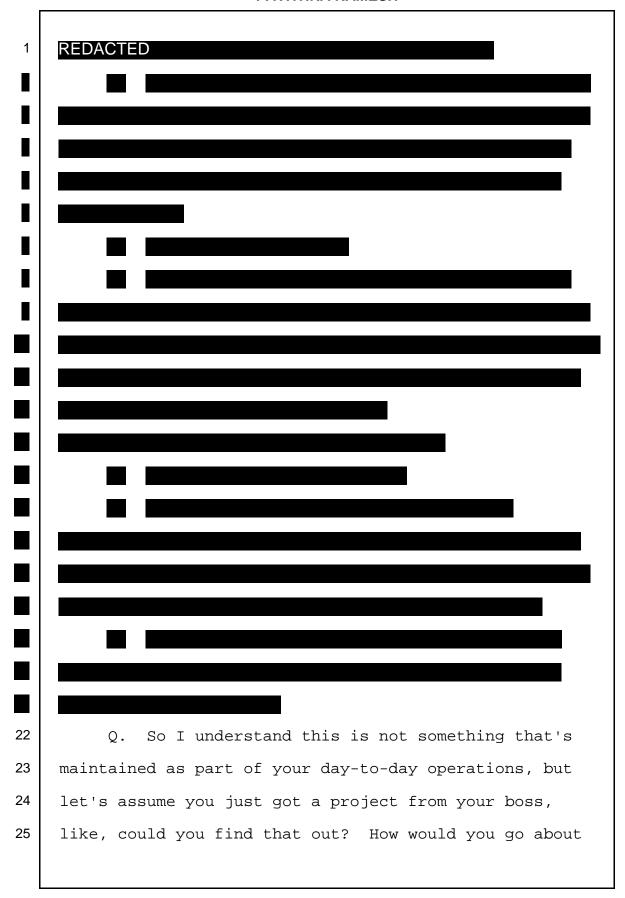
1   just want to focus on the query capabilities of your

2   system, regardless of question No. 6 and how you're

3   reading it versus how we read it.

4   THE VIDEOGRAPHER: Counsel, sorry to

5   interrupt you, we've got about five minutes left on this

6   disk, and we'll need to take a break to change it.

7   MR. SOUMILAS: Thank you. I got it.

8   Q. I guess what I'm wondering is, if we are able

9   to search, on the one hand, the name of the applicant,

10   Jones, and a second variable, the name of the offender,

11   whether that name is in the offender information field

12   or the alias information field, is that -- is that three

13   variables or is that two variables?

14   A. I don't know. I think that's sort of what I'm

15   trying to get at too. Since we don't know which name --

16   forget the last name. Since we don't know which name,

17   whether it was the offender name or the alias name that

18   it matched on --

19   Q. Right.

20   A. -- it's hard to get -- it's hard to get this

21   information where we -- we can list all of the applicant

22   names and all the offender names, but without the alias

23   names, we wouldn't be doing it -- you know, giving the

24   -- doing it justice, you'd be muddying the waters. And

25   since we don't know which name, whether it matched on

PAVITHRA RAMESH

1 the offender name or the alias name, and if it matched

2 on the alias name, which of the alias names it matched

3 on, it's hard to get to this data.

4   Q. Okay. Now if I simply wanted to get a copy of

5 all of the reports sold by RealPage last month, every

6 single one of them, and I'll do the analysis to figure

7 out which ones match and which ones don't, are you able

8 to just, you know, give me a list of every single report

9 that was sold over a period of time?

10   A. By "report," do you mean reports like this, or

11 raw data?

12   Q. Yeah, just like this. Reports like this, just

13 like Diane Jones', but I want every single one for --

14 whether it's a week or a month or six months or a year,

15 whatever the time period is.

16   A. It wouldn't be a query. We would have to go

17 into the application and manually pull the reports.

18   Q. And are you capable of doing that?

19   A. Yes.

20   Q. Okay.

21   MR. SOUMILAS: Let's go off the record to

22 change the tape.

23   THE VIDEOGRAPHER: We are now off the

24 record. The time is 3:13 p.m.

25   (Recess taken from 3:13 to 3:23.)

PAVITHRA RAMESH

1   THE VIDEOGRAPHER: We are now back on the
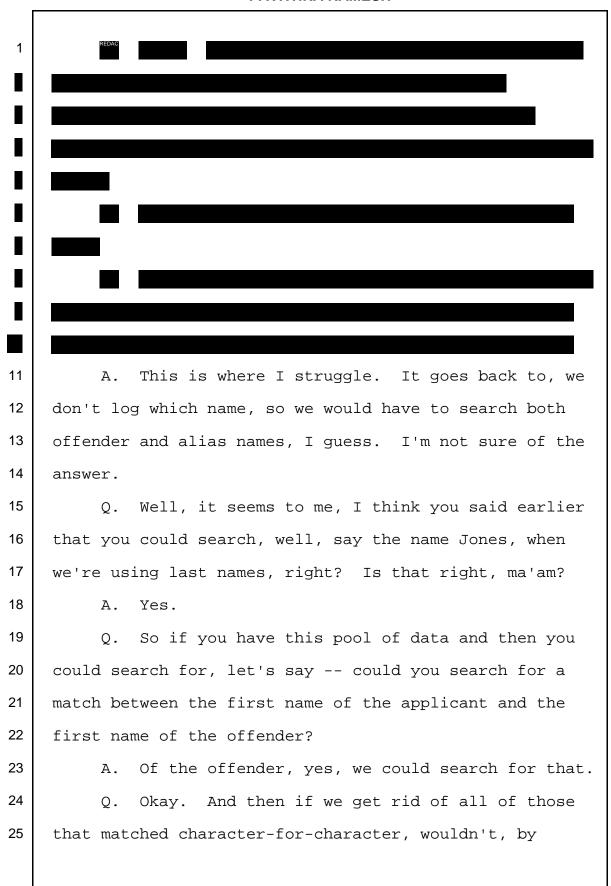
2   record. The time is 3:23 p.m.

3   Q. (BY MR. SOUMILAS) All right. Ms. Ramesh, you

4   were just testifying before we took a break that the

5   company's able to, I think you said, manually pull all

6   of the reports over a period of time that --

7   THE REPORTER: Could you -- pull all of the

8   reports over a period of time that?

9   Q. That are in the format of Ramesh 3?

10   A. Yes. It's an extremely manual process, but

11   yes.

12   Q. Is there some nonmanual process, such as a

13   computer-generated process, which would pull the same

14   data in a raw format?

15   A. Yes.

16   Q. And how would that work?

17   A. So like I mentioned, all of this data in the

18   report is stored as XMLs in specific site databases.

19   It's not straightforward, but we could parse through

20   tens of thousands of site databases to get all of that

21   XML back, and then parse the XMLs to -- into a raw data

22   format.

23   Q. Now, in terms of the search capabilities,

24   when -- what database or databases are you referring to

25   in terms of that you're familiar of how they could be

PAVITHRA RAMESH

1   queried or searched?

2   A.   What do you mean by that?

3   Q.   Well, I think you said that you prepared to

4   testify about RealPage's search and query capabilities

5   regarding consumer report data. If you were to do those

6   searches yourself, what -- where would you be doing it

7   and in what databases?

8   A.   I cannot do the searches myself, but -- I don't

9   have the access to touch production databases, but we

10   would have to query production data for each particular

11   property that's located in different servers, pull them

12   all back into a single location, and then parse through

13   the XMLs to get the report.

14   Q.   Do you know what particular property would

15   house the Jones report data that we see in Ramesh 3?

16   A.   The Marietta Road property site database would

17   have this -- this report.

18   REDAC

PAVITHRA RAMESH

1   REDACTED

22   Q.   So I understand this is not something that's

23   maintained as part of your day-to-day operations, but

24   let's assume you just got a project from your boss,

25   like, could you find that out? How would you go about

PAVITHRA RAMESH

1   answering our question?

2   A. It would have to be a manual process. We --

3   get all of these XMLs that I just spoke about that are

4   there on site databases, parse through them, and then

5   parse through the names and -- and -- and guess.

6   Q. When you say "manual process," you mean have a

7   person actually put eyeballs on one report at a time?

8   A. So some of it -- the pulling of the XML

9   reports -- I mean, XML data and parsing it can be done

10   systematically, but then to put eyes on -- yes, we would

11   require a person to actually put eyes on it, and double

12   metaphones is not something that a human can calculate

13   or understand in their mind, so it would require

14   additional ways to figure it out.

15   Q. Okay. So pulling the reports in XML could be

16   done in an automated fashion; is that right?

17   A. It's not straightforward, it's going to take a

18   long time, but yes, it can be done.

19   Q. How long a time?

20   A. I don't know. I don't write queries to pull

21   XMLs.

22   Q. But it would be a computer query. Would you

23   pull all of the tenant screening reports from this date

24   to that date and the computer does that, correct?

25   A. Yes.

PAVITHRA RAMESH

1   REDAC ████ ████ █████████████████████

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10   ████████████████████████████████

11   A.   This is where I struggle. It goes back to, we

12   don't log which name, so we would have to search both

13   offender and alias names, I guess. I'm not sure of the

14   answer.

15   Q.   Well, it seems to me, I think you said earlier

16   that you could search, well, say the name Jones, when

17   we're using last names, right? Is that right, ma'am?

18   A.   Yes.

19   Q.   So if you have this pool of data and then you

20   could search for, let's say -- could you search for a

21   match between the first name of the applicant and the

22   first name of the offender?

23   A.   Of the offender, yes, we could search for that.

24   Q.   Okay. And then if we get rid of all of those

25   that matched character-for-character, wouldn't, by

PAVITHRA RAMESH

1   definition, all the rest of them not match

2   character-by -- character-for-character?

3   A. For first names alone, yes, but again, I

4   think -- the question also included last names, which is

5   what -- which is why the answer was we are not able to

6   get to it.

7   Q. Okay. Have you looked at any of the non-match

8   dispute data in preparing to give testimony today?

9   A. No.

10   Q. Okay. Are you aware, sitting here today, what

11   the volume of non-match disputes has been in recent

12   years at RealPage?

13   A. Not off the top of my head, no.

14   Q. Have you seen any type of a document that

15   identifies whether the number of non-match disputes has

16   increased or decreased after the enhancement?

17   A. Three months after the enhancement, we did do

18   an analysis, but nothing after that.

19   Q. Okay. So in the -- I guess it's been about two

20   years -- since the enhancement, there was an analysis

21   done one time?

22   A. Yes.

23   Q. Were you part of that analysis?

24   A. Yes.

25   Q. What type of data did it consider?

PAVITHRA RAMESH

1   A.   It considered how many non-match disputes --

2   disputes that are classified under the non-match

3   category came in, and also what the results of the

4   disputes was, which is why I was able to tell you that

5   the disputes have gone down.

6   Q.   How long of a period did it look at for the

7   number of disputes and the number of removals of

8   records?

9   A.   I believe it went back a year, if not more. So

10   we had year-over-year dispute information.

11   Q.   I thought you said this was done three months

12   after the enhancement procedure was implemented?

13   A.   Correct, so three -- we went back from -- at

14   the time of the analysis so we could see how much --

15   what was the volume of disputes prior to the enhancement

16   and what was the volume of disputes post enhancement.

17   We could also see what the volume of the disputes last

18   year so that we account for seasonality.

19   Q.   Okay. So did you compare, for example, the

20   three months of disputes after the enhancement to the

21   three months of disputes for the year previous for those

22   same three months?

23   A.   Yes, year over year, that's what I meant.

24   Q.   And you noticed a decrease in disputes?

25   A.   Yes.

PAVITHRA RAMESH
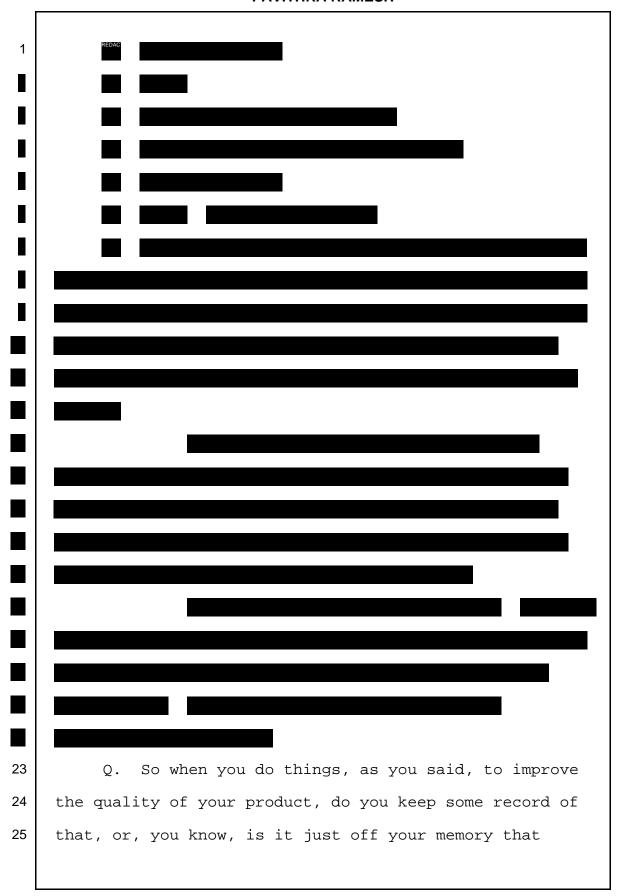
1   Q.   And did you also notice any change in the

2   removals?

3   A.   Yes.

4   Q.   What was that change?

5   A.   I can -- I don't have the exact numbers, but

6   the previous year of the non-match disputes, several of

7   them would be removed from their file. We continued to

8   remove records from the file, but it wasn't as high as

9   it was three months -- I mean, last year.

10   After the enhancement went -- went -- got

11   in place, the number of disputes came down, and also the

12   way we ended the dispute after the investigation was

13   also a little different. We did not -- there were more

14   case -- instances where we said we are not -- the record

15   must stay on the consumer's report.

16   Q.   Was this analysis or study kept somewhere?

17   A.   Yes.

18   Q.   Is -- so there's still a record of it --

19   A.   Yes.

20   Q.   -- if somebody wanted to review it?

21   And it has not been repeated in the last

22   two years?

23   A.   No.

24   Q.   Did the analysis have a opinion as to what

25   caused the decrease in the number of disputes?

PAVITHRA RAMESH

1   A.   No.

2   Q.   Did you consider other factors that might have

3   contributed to the lowering of disputes, other than the

4   enhancement?

5   A.   I'm not sure I follow your question.

6   Q.   I'm going to try to explain. It seems to me,

7   according to your testimony, we know that the number of

8   disputes decreased --

9   A.   Yes.

10   Q.   -- following the enhancement. Did this

11   analysis consider whether there were other factors

12   contributing to the lowering of disputes?

13   A.   Not specifically, no, but since this lowering

14   of disputes tremendously followed -- followed

15   immediately after the enhancement was put in, and we

16   also considered the seasonality of the disputes because

17   of the seasonality of screening applications, which is

18   why we went year over year, but we still saw a

19   tremendous decrease, so it was not seasonality.

20   REDAC

PAVITHRA RAMESH

1   REDACT

23   Q. So when you do things, as you said, to improve

24   the quality of your product, do you keep some record of

25   that, or, you know, is it just off your memory that

PAVITHRA RAMESH

1   you're going here?

2   A. It's not -- it's not very well written out, but

3   it's not just off my memory. We do have, you know,

4   e-mails that we send out to inform others, we do have --

5   in cases where -- things like jurisdiction, we are

6   dropping a jurisdiction or we don't want to match on a

7   jurisdiction, we do have a record in our database where

8   we -- we make a note that this jurisdiction is not being

9   reported on anymore because of whatever the reason is.

10   It's not in one single place, it's in various places.

11   Q. Okay.

12   MR. SOUMILAS: Let's go off the record.

13   THE VIDEOGRAPHER: We are now off the

14   record. The time is 3:42 p.m.

15   (Recess taken from 3:42 to 3:44)

16   THE VIDEOGRAPHER: We are now back on the

17   record. The time is 3:44 p.m.

18   Q. (BY MR. SOUMILAS) Going back to the Jones

19   report from August 2017 that we marked as Ramesh 3,

20   ma'am.

21   A. Yes.

22   Q. You told me you've familiarized yourself with

23   the circumstances in which this report was generated.

24   A. Yes.

25   Q. And it did include this criminal record from

PAVITHRA RAMESH

1 Georgia for narcotics on page 3, correct?

2   A. Yes.

3   Q. And was this record properly attributed to the

4 plaintiff, Ms. Jones, in your judgment and experience?

5   A. Our system worked, and all the rules that got

6 triggered were triggered, and with all of the

7 information, inputs that we have and all of the

8 information that we do have from the jurisdiction, we

9 returned a result. I don't know if I can add any

10 personal opinion to it.

11   Q. Okay. I'm not asking for your personal

12 opinion, I'm asking whether according to your

13 understanding of the systems and processes in place,

14 this is the output that you would expect that happened?

15   A. Again, given all of the inputs and the fact

16 that Georgia does not have a year -- does not have an

17 exact date of birth, then yes, this is the process that

18 we would expect.

19   Q. Okay. Well, the records that you obtained from

20 Genuine Data Services from the Georgia Department of

21 Corrections didn't have a complete date of birth, that's

22 what you mean, right?

23   A. Yes, that's what I mean.

24   Q. Okay. In your judgment and experience, is

25 this -- is this record on Ms. Jones' report accurate, or

PAVITHRA RAMESH

1   is it a non-match?

2   A.   I don't think I have any more information than

3   what's already here to make that decision.

4   Q.   Sitting here today as a corporate

5   representative for RealPage, could you tell me whether

6   the plaintiff, Ms. Jones, committed these narcotics

7   crimes in Georgia that were listed on page 3 of her

8   report?

9   A.   Again, I -- I cannot. I don't have -- I don't

10 know -- I don't have any more information than what's

11 already in this report, and based on how the rules get

12 triggered and just the dynamics of the matching logic,

13 this is what was returned, and so I'm not sure how I can

14 add a personal opinion to it.

15   Q.   No, it's not a personal opinion, it's -- you're

16 speaking for the company, I think your answer is you

17 don't know whether she committed these crimes or not?

18   A.   Yes.

19   Q.   But you do know that the systems worked the way

20 they were designed to result in this record matching to

21 her background in August of 2017 when she was applying

22 for an apartment?

23   A.   Yes, that is correct.

24   MR. SOUMILAS: Okay. Let's go off the

25 record.

PAVITHRA RAMESH

1   THE VIDEOGRAPHER: We are now off the

2   record. The time is 3:47 p.m.

3   (Recess taken from 3:47 to 3:48)

4   THE VIDEOGRAPHER: We are now back on the

5   record. The time is 3:48 p.m.

6   Q. (BY MR. SOUMILAS) All right. Ms. Ramesh, I

7   don't have any further questions for you. Thank you

8   very much for your time today.

9   A. Thank you.

10   MR. RAETHER: I don't have any questions.

11   The witness would reserve the right to read and sign.

12   We'll maintain this transcript, subject to

13   the confidentiality agreement and the terms, in terms of

14   designating. Understanding that Mr. Soumilas has a

15   deadline coming up with the Court, we'll work with

16   Mr. Soumilas to make those designations in time for him

17   to meet those obligations.

18   MR. SOUMILAS: Okay. That sounds

19   reasonable. We'll have the exhibits attached to this

20   one, as the one from this morning, and I need to make

21   some arrangements to get, at least, a rough draft right

22   away, and I need a copy by Monday.

23   THE REPORTER: Yes, we can do that.

24   (Discussion held off the record.)

25   THE VIDEOGRAPHER: We are now off the

PAVITHRA RAMESH

1   record.   The time is 3:49 p.m.

2   (Deposition concluded at 3:49 p.m.)

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PAVITHRA RAMESH

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 1   STATE OF TEXAS     )

 2        I, Christine Simons, Certified Shorthand Reporter

 3   in and for the State of Texas, hereby certify to the

 4   following:

 5        That the witness, PAVITHRA RAMESH, was duly sworn

 6   and that the transcript of the oral deposition is a true

 7   record of the testimony given by the witness and the

 8   statements of counsel;

 9        That review and signature was reserved;

10        I further certify that I am neither counsel for,

11   related to, nor employed by any of the parties or

12   attorneys in the action in which this proceeding was

13   taken, and further that I am not financially or

14   otherwise interested in the outcome of the action.

15        Certified to by me this 12th day of August, 2019.

16

17

18                         /s/Christine Simons
                           Christine Simons, Texas CSR 11181
19                         Expiration Date:  7/31/2021
                           Summit Court Reporting, Inc.
20                         1500 Walnut Street, Suite 1610
                           Philadelphia, Pennsylvania 19102
21                         (215)985-2400

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PAVITHRA RAMESH

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 1               INSTRUCTIONS TO THE WITNESS

 2                    Read your deposition over carefully

 3      It is your right to read your deposition and make

 4      changes in form or substance.  You should assign a

 5      reason in the appropriate column on the errata

 6      sheet for any change made.

 7                    After making any changes in form or

 8      substance which have been noted on the following

 9      errata sheet along with the reason for any change,

10      sign your name on the errata sheet and date it.

11                    Then sign your deposition at the

12      end of your testimony in the space provided.  You

13      are signing it subject to the changes you have

14      made in the errata sheet, which will be attached

15      to the deposition before filing.  You must sign it

16      in front of a witness.  Have the witness sign in

17      the space provided.  The witness need not be a

18      notary public.  Any competent adult may witness

19      your signature.

20                    Return the original errata sheet to

21      your counsel promptly.  Court rules require filing

22      within thirty days after you receive the

23      deposition.

24

25
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PAVITHRA RAMESH

1   ERRATA SHEET

2   Attach to Deposition of: Pavithra Ramesh
        Taken on: August 9, 2019
3   In the matter of: Jones, et al. v. Realpage, Inc.,
                           et al.
4   PAGE   LINE NO.   CHANGE   REASON

5   _____

6   _____

7   _____

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25

PAVITHRA RAMESH

1   SIGNATURE PAGE

2

3   - - -

4

5   I hereby acknowledge that I have

6   read the aforegoing transcript, dated August 9,

7   2019, and the same is a true and correct

8   transcription of the answers given by me to the

9   questions propounded, except for the changes, if

10   any, noted on the Errata Sheet.

11

12   - - -

13

14

15

16

17   SIGNATURE: _Pavithra Ramesh_
                       Pavithra Ramesh

18

19   DATE: _09/16/2019_

20

21   WITNESSED BY: _____

22

23

24

25

PAVITHRA RAMESH

A

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Exhibit 4

R E A L P A G E®

Service Agreement

This Service Agreement ("Agreement") is made this 13th day of October, 2006, (the "Effective Date") by and between RealPage, Inc., a Delaware corporation, with offices at 4000 International parkway, Carrollton, TX 75007 ("RealPage") and Backgroundchecks.com, a ___S___ corporation, with offices at 12770 Coit Road, #1150, Dallas, TX 75251 ("BGC").

Whereas, RealPage and BGC entered into that certain e-backgroundchecks.com Inc. Information Gateway Agreement dated October 7, 2004 ("Current Agreement"); and

Whereas, RealPage and BGC wish to enter into a new agreement in accordance with the terms and conditions set forth herein, and incorporate into this Agreement certain of the Licenses, set forth in Section 2.3, granted to RealPage under the terms of the Current Agreement;

Whereas, the parties intend to terminate the Current Agreement as of the Effective Date; and

Whereas, BGC maintains a database of accurate and up-to-date public records, including criminal records, that it makes available to customers in an on-demand environment; and

Whereas, BGC maintains contractual relationships with data providers to collect such public records, including individual criminal and other background data; and

Whereas, after BGC collects the Data, it "normalizes" the Data by using transformation codes to impose a uniform data structure to the Data, whereupon BGC runs inquiries against the Data using search logic resident in the BGC search engine; and

Whereas, RealPage licenses to owner/operators of multifamily communities on-demand software applications and databases that facilitate management and operation of multi-family real estate communities, including without limitation the RealPage Applicant Screening Product Center; and

Whereas, RealPage wishes to use BGC as a source for Data on a private label basis for its Screening Services and to purchase certain services, all as more fully described herein; and

Whereas, BGC wishes to provide to RealPage such source data and services in accordance with the terms of this Agreement.

In consideration of the mutual covenants herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1.   **Definitions**

1.1   "Agreement" means this Services Agreement, when executed by duly authorized representatives of the parties.

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1.2   BGC Application" means the BGC Internet based application that is capable of providing, on an individual case basis, access to the BGC Database using the Internet, which access shall be made available by various means including, without limitation, on an XML or DLL Pass-Through Search Basis.

1.3   "BGC Database" means the BGC criminal records on-line service and/or BGC's multiple criminal databases from around the U.S.

1.4   "BGC Data Schema" means the BGC data schema and related Documentation.

1.5   "Classification" means an individual classification of an offense in a criminal record.

1.6   "Classification Code" means the object code version, as well as related Documentation, for the Classification System.

1.7   "Classification System" means the Criminal Classification System.

1.8   "Consulting Services" has the meaning set forth in Section 9.

1.9   "Criminal Classification System" means a classification system and related documentation that classifies all offenses in criminal records into a preset group of categories.

1.10   "Current Agreement" means that certain e-backgroundchecks.com Inc. Information Gateway Agreement dated October 7, 2004.

1.11   "Data" means individual criminal and other background data obtained by RealPage from BGC, including without limitation, Normalized Data and Source Data.

1.12   "Data Providers" means the source providers for individual criminal and other background data.

1.13   "Documentation" means end user manuals, and other user documentation provided by BGC in connection with access to, use and operation of the Data, the BGC Data Schema, the Classification Codes, and the Classification System.

1.14   "End Users" means RealPage and owners and managers of real estate in the Permitted Industry, who are licensees of Screening Services.

1.15   "Gateway" shall mean a system developed by RealPage to permit BGC to deliver to RealPage Normalized Data.

1.16   "Intellectual Property Rights" means any worldwide intellectual property or proprietary rights, including but not limited to copyrights, moral rights, trademarks (including logos, slogans, trade names, service marks), patent rights (including patent applications, and disclosures, continuations, continuations-in-part, reexaminations, and reissues), rights in know-how and inventions, and trade secret rights.

1.17   "License" means the License granted in Section 2.

1.18   "Normalize" means to use BGC Transformation Codes to impose on the data a uniform data structure.

1.19   "Password" means a unique security code that, when used in conjunction with a User ID, will allow a BGC Application user to access authorized portions of the BGC Application.

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1.20   "Permissible Purposes" means use of Data by End Users for purposes of applicant and employment screening or other permissible purposes under the Fair Credit Reporting Act and other comparable state and local statutes and ordinances.

1.21   "Permitted Industry" means apartments, condos, mixed used facilities, assisted living, marinas, military housing, and self-storage.

1.22   "RealPage Competitor" means those organizations identified on Exhibit A hereto.

1.23   "RealPage Data Schema" means the RealPage data schema.

1.24   "RealPage System®" means on-demand software applications and databases that facilitate management and operation of multi-family real estate communities.

1.25   "Screening Service" means the RealPage Applicant Screening Product Center, a service available on an on-demand basis that uses both a statistical and rules based system to permit its customers to evaluate the credit worthiness and criminal background of prospective tenants.

1.26   "Services" means, collectively, the Development Services and the Consulting Services.

1.27   Staging Database" shall mean a staging database maintained by RealPage on RealPage servers at the RealPage datacenter.

1.28   "System" means the Data, BGC Data Schema, the Classification Code, Classification System and the BGC Application, whether in source or object code, and all the related Documentation thereto.

1.29   "Term" means either the Initial Term or any Renewal Term as described in Section 3.

1.30   "Transformation Codes" means codes used by BGC to impose a uniform data structure to the Data.

1.31   "User ID" means a BGC Application user's identifying information.

1.32   "Website" means the BGC website at www.backgroundchecks.com, or any successor website thereto

1.33   "XML or DDL Document Type Definition" or "XML"or "DDL DTD" means specifications developed by BGC that will allow the user of an internet based application to perform the search actions allowed by BGC.

1.34   "XML or DLL Pass-Through Search Basis" means a search of the BGC Database for a name or names submitted by the user of an internet based application using the XML or DLL DTD, the result so which shall be generated by BGC and returned to the user.

2.   **License.** In consideration of RealPage's payment to BGC of the Fee, RealPage shall receive the following:

2.1   System License. BGC grants to RealPage a nonexclusive, non-transferable (subject to Section 15.5 hereto), fee-bearing, worldwide license ("License") within the Permitted Industry to: (a) access, use, extract, aggregate, reproduce, modify, adapt, publish, create derivative works from, sublicense, distribute, perform, display and incorporate in other works in any form, media or technology now known or later developed the Data as a data source for the Screening Services on a private label basis (under trademarks of RealPage with attribution to BGC as agreed between the parties) solely for Permissible Purposes; (b) install and update the Data in both the Staging Database and the RealPage Criminal Database, (c) access and use the BGC Data Schema to restructure the Data to permit the search logic in the RealPage search engine to run searches against the Data; (d) once restructured, to populate the RealPage Criminal

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Database with the Data to stage the Data for use as a data source for the Screening Services; (e) access and use Classification Code to run inquires through the Classification System; (f) access and use the Classification System via XML services to classify criminal offenses in records comprising the Data; (g) use, reproduce, publish, and incorporate, in whole or in part, Documentation into RealPage documentation and (h) access the BGC Application for the Permissible Purposes.

        2.2   <u>Sexual Predator, Methamphetamine (or other similar drug) Registry or Database; National Security Database</u>. BGC grants RealPage a nonexclusive, non-transferable (subject to Section 15.5 hereto), fee bearing, worldwide license ("<u>License</u>"), for purposes of distribution to any third party, to access, use, extract, aggregate, reproduce, modify, adapt, publish, create derivative works from, sublicense, distribute, perform, display and incorporate in other works in any form, media or technology now known or later developed data from any BGC Sexual Predator Database or Registry, any Methamphetamine (or other drug) Database or Registry and any National Security Database offered by BGC.

        2.3   <u>Access on an XML or DLL Pass Through Search Basis</u>. During the Initial and any Renewal Term of this Agreement, and subject to RealPage's satisfaction of, and continuing compliance with, each and every term, condition, provision, covenant and obligation and/or requirement of RealPage under this Agreement, BGC hereby grants to RealPage a limited, non-exclusive, non-transferable (subject to Section 15.5 hereof) to access the Website, on an XML or DLL Pass-Through Search Basis.

3.   <u>Term and Termination</u>.

        3.1   <u>Term</u>. The term ("<u>Term</u>") of this Agreement shall commence on the Effective Date and shall expire on October 13, 2011 ("<u>Initial Term</u>"). Thereafter, this Agreement will renew automatically for additional three (3) year terms (each a "<u>Renewal Term</u>").

        3.2   <u>Termination</u>.

        (a)   This Agreement may be terminated by either party (the "non-breaching party") in the event that the other party (the "breaching party") materially fails to perform or observe any material term or provision of this Agreement, and does not cure such breach in all material respects within sixty (60) days following written notice from the non-breaching party demanding correction of such breach (which notice shall describe such breach in sufficient detail to permit the breaching party to correct such breach).

        (b)   RealPage may terminate this Agreement for convenience at any time with thirty (30) days prior written notice to BGC. If RealPage terminates this Agreement for convenience pursuant to this provision 3.2(b) prior to the expiration of the Initial Term, RealPage shall pay to BGC a termination fee equal to $20,000 ("<u>Early Termination Fee</u>").

        (c)   BGC may terminate this Agreement effective upon the expiration of the 2nd Renewal Term with one (1) year prior written notice to RealPage.

        (d)   If this Agreement is (i) terminated by RealPage for any reason other than a material breach by BGC or (ii) terminated by BGC for a material breach by RealPage, then RealPage shall destroy all copies of the Data in its possession immediately upon termination, and the License granted herein shall terminate upon the effective date of termination of this Agreement.

        (e)   If this Agreement is terminated by BGC for any reason other than a material breach by RealPage or by RealPage for a material breach by BGC, then upon termination RealPage shall have and BGC does hereby grant to RealPage a one year, fully paid up right to continue to use the Data in its possession as of the termination date under the terms of the License for the purpose of providing Screening Services to End Users, and all other obligations of BGC shall terminate save for those that survive in accordance with Section 15.12 hereof.

        (f)   If more than 50% of the assets or capital stock of BGC is sold to a Competitor of RealPage, then RealPage shall have the right to terminate this Agreement at any time. Upon termination by RealPage pursuant to this Section 3.2(f), RealPage shall have and BGC does hereby grant to RealPage a one year, fully paid up right to continue to use the Data in its possession as of the termination date under the terms of the License for the purpose of providing Screening Services to End Users, and all other obligations of BGC shall terminate save for those that survive in accordance with Section 15.12 hereof.

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4.   Test Period.

4.1   BGC will deliver to RealPage for testing (a) and (b), below by November 10, 2006. BGC will deliver to RealPage (c) and (d) by November 30th, 2006:

        (a)   the Normalized Data with which RealPage shall populate the Staging Database;

        (b)   BGC Data Schema,

        (c)   the Classification Code for conducting inquires against the Classification System; and

        (d)   access to and use of the Classification System.

4.2   Upon receipt of items 4.1(a-d) above, for a period of sixty (60) days thereafter ("Test Period"), RealPage shall put the System to productive use at no charge to RealPage. During the Test Period, RealPage shall deploy the Screening Services to selective End Users in order to validate that the System can scale and otherwise meets RealPage's requirements. If during the Test Period RealPage believes, in the reasonable exercise of its discretion, that the Screening Services performed using the System cannot scale or otherwise meet RealPage's requirements, it may terminate this Agreement with thirty (30) days prior written notice to BGC, and the parties shall have no further obligation under this Agreement, other than those obligations that survive in accordance with Section 15.12 hereof. If RealPage terminates this Agreement pursuant to this Section 4.2, RealPage shall pay to BGC the Early Termination Fee of $20,000.

4.3   If RealPage terminates this Agreement pursuant to Section 4.2 above, the Current Agreement shall not terminate, but shall survive.

5.   Fees.

5.1   Monthly Fee. Upon completion of the Test Period, and provided RealPage has not terminated this Agreement as provided above, in consideration of the Licenses, access to the System, access to the BGC Application and provision of the Services set forth herein, RealPage shall pay to BGC in arrears on a monthly basis a fee in the amount of $62,500 ("Monthly Fee"). Payment shall be due by the 5th day of each month. RealPage may reduce the Monthly Fee in accordance with Section 6.1(b)(i) below where BGC fails to add jurisdictions to the Database (if legally available), not to exceed $10,000 per month. For the Initial Term, the Fee shall be fixed and guaranteed, and RealPage shall not be subject to increase by BGC. Thereafter, during any Renewal Term, BGC shall not increase the Monthly Fee by an amount exceeding 3% per annum.

5.2   Taxes. All prices and payments in this Agreement are exclusive of all taxes, and RealPage agrees to pay all national, state, and local sales, use, value-added, and other taxes, customs duties, and similar tariffs and fees, imposed by any jurisdiction and based on this Agreement or arising due to BGC's provision of the License or Services hereunder or deliveries made directly related to the performance of this Agreement, other than taxes or other impositions levied on BGC's revenue, income or corporate existence.

5.3   Certain Fees Associated with Non OneSearch Searches and Reinvestigation of Data. RealPage shall pay BGC's then wholesale standard fees for, and BGC shall provide, (i) manual or out of network searches, (ii) non OneSearch searches and (iii) for reinvestigation of Data as provided in Section 6.4, where such reinvestigation is not necessitated by an error or defect in Data. Any request by RealPage for the reinvestigation or verification of database information that requires a manual court search will be billed at $7.00 per search plus any applicable court fee charged to BGC by the court.

5.4   No Other Fees. Other than the fees set forth in Section 5.1 through 5.3, or as otherwise agreed in writing by the parties, BGC shall impose no additional charge or fee for the License, access to the System or BGC Application, or implementation, conversion, support or any other services provided unless agreed upon in writing by RealPage.

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6.   **BGC Responsibilities**

6.1   Data Acquisition.

(a)   BGC shall maintain during the term of this Agreement Data from those jurisdictions identified on Exhibit B hereto, as may be amended from time to time such that RealPage receives as "Data" all data included in BGC's OneSearch.

(b)   BGC shall use commercially reasonable efforts to expand its Data acquisition efforts into new jurisdictions if offered by a competitor of RealPage or if reasonably requested by RealPage.

(i)   RealPage will provide written notice to BGC where it discovers that a RealPage competitor is offering data from a jurisdiction not then being offered by BGC ("New Jurisdiction(s)"). BGC will use commercially reasonable efforts to acquire and add such Data with comparable attributes from such New Jurisdiction(s) to the Database, and make this new Data available to RealPage within 90 days thereafter ("Acquisition Period"). Unless the Data from the New Jurisdiction is not legally available to BGC, RealPage will deduct from Fees $1,000 per month per jurisdiction (not to exceed $10,000 per month) for each month that such Data from the New Jurisdictions is not made available after the Acquisition Period.

6.2   Initial Delivery of Data, Schema Changes. Within five (5) business days of the Effective Date:

(a)   BGC shall deliver to RealPage via the Gateway the Normalized Data for replication to the Staging Database;

(b)   the BGC Data Schema; and

(c)   all Classification Codes.

6.3   Updates. BGC shall deliver to RealPage via the Gateway:

(a)   updates to the Data within twenty (20) days of BGC's receipt of updates from Data Providers;

(b)   Data no less frequently than it releases Data to its other resellers of Data;

(c)   updates to the BGC Data Schema within five (5) business days after it modifies the BGC Data Schema for its own use; and

(d)   updates to the Classification Code as often as it updates the Classification Code for its own uses.

BGC will document all changes included in each update to the Data, BGC Data Schema and Classification Codes, and will communicate the changes to RealPage via the Gateway before each release.

6.4   Administrative Responsibilities. In collecting, maintaining and providing Data, BGC Data Schema, that Classification Code, Classification System, and Services to RealPage, BGC will abide by Federal and State laws as they apply to resident and employment screening, including without limitation the Fair Credit Reporting Act and FACTA. RealPage may request in writing or via email BGC's assistance in reinvestigating consumer and customer disputes, subject to the provisions of Section 5.3. Reinvestigation may include, but is not limited to: the verification of criminal information from BGC's raw Data; the verification of expunged records; the verification of the categorization of a criminal offense; and the determination of why certain criminal records were not contained within the BGC Database. BGC will report the results of its reinvestigation to RealPage in writing within fifteen (15) days of RealPage's written request for reinvestigation. In the cases where reinvestigation substantiates the dispute, BGC will remove the Data from the BGC Database, BGC will use commercially reasonable standards to ensure against "repollution" of the inaccurate or incomplete Data into the Database.

6.5   Other Obligations of BGC related to Access to the BGC Database on an XML or DLL Pass-Through Search Basis.

(a)   Availability. BGC shall use its reasonable best efforts to make the BGC Application available to RealPage on a continuous and uninterrupted basis 24 hours per day, 7 days per week, except for scheduled maintenance which occurs off business hours on Saturday or Sunday. BGC may temporarily suspend all

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service for the purpose of repair, maintenance, back-up or improvement of any portion of the BGC Application.. However, BGC shall provide prior notice where it is reasonably practicable under the circumstances, and BGC shall restore service as soon as reasonably practicable. BGC will provide layouts and assistance as needed for data transfers. Horus of support are 8:30 a.m. to 5:30 p.m. (CST), Monday through Friday. BGC ftp site for data transfer will be available 24 hours a day.

      (b)   Best Efforts. BGC shall use its reasonable best efforts to provide such services and support as are reasonably required to maintain the BGC Application and BGC Databases in proper working order.

7.   RealPage Responsibilities

    7.1   Data Transformation and Storage.

      (a)   RealPage shall apply to the Data in the Staging Database transformation scripts to modify the Data structure from the BGC Data Schema to the RealPage Data Schema to ensure that the Data conforms to the requirements of the RealPage Criminal Database.

      (b)   RealPage shall store the transformed Data in the RealPage Criminal Database.

      (c)   RealPage shall use the transformed Data resident in the RealPage Criminal Database to provide Screening Services to End Users.

    7.2   Marketing Obligations. RealPage will use commercially reasonable efforts to market and promote the BGC Services. RealPage shall, without limitation:

      (a)   conduct business in a manner which reflects favorably at all times on BGC and the System, goodwill and reputation of BGC;

      (b)   avoid deceptive, misleading or unethical practices that are or might be detrimental to BGC or the System;

      (c)   refrain from making any false or misleading representations with regard to BGC or the System; and

      (d)   refrain from making any representations, warranties or guarantees to End Users or other third parties with respect to the specifications, features or capabilities of the Data or the System that are inconsistent with the warranties made by BGC in this Agreement or not described in the Documentation.

8.   Development Services.

    8.1   Creation of Criminal Classifications. BGC will create and deploy no later than November 30, 2006, a Criminal Classification Systems.

      (a)   Prior to creation of the Criminal Classification System, BGC shall supply to RealPage for RealPage's prior review and approval the proposed classification and group system that BGC intends to use to create the Criminal Classification System. During the Term of this Agreement, and other than updating the Criminal Classification System as provided in Section 8.1(B) below, BGC shall not modify the Criminal Classification System without RealPage's prior review and approval.

      (b)   BGC will update the Classifications (and the reference tables embodied in the Classification System) on an ongoing basis in new categories when BGC becomes aware of (i) an unclassified offense, (ii) a new category of a criminal offense or (iii) a unique designation of an offense by a reporting jurisdiction.

      (c)   BGC will provide to RealPage via the Gateway updates to the Classification Code within five (5) business days after BGC creates any modifications to the Classification Codes.

9.   Consulting Services

    9.1   BGC will provide the following Consulting Services to RealPage:

      (a)   assist and support RealPage in understanding all components of the System;

      (b)   maintain, update, and provide access to the Data, BGC Data Schema, Classification Code, and Classification System;

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(c)   through the Gateway to the Data Center(s), regularly and in accordance with a schedule mutually developed by the parties, push to RealPage updates to the Data, BGC Data Schema, and the Classification Code; and

(d)   assist RealPage, subject to the provisions of Section 5.3, in the consumer dispute process by verifying the disputed information and updating Data when the dispute is resolved in the consumer's favor.

10.   Warranties; Disclaimers

10.1   BGC Warranties. BGC represents and warrants to RealPage that:

(a)   it owns or has rights to grant the License and that the Data, the BGC Data Schema, the Classification Code, the Classification System, the BGC Database and the BGC Application, and RealPage's use of the same in accordance with the terms of the License, shall not infringe any third party copyright, patent or trademark or misappropriate any third party trade secret;

(b)   the Classification Code, the Classification System and the BGC Application shall operate in conformity with the Documentation therefor;

(c)   the Services shall conform to the requirements set forth in any requirements document prepared in contemplation of performance of the Services and approved by BGC;

(d)   it will use commercially reasonable efforts to assure the accuracy, completeness, and timeliness of the Data and the Services;

(e)   it shall perform the Services in a timely, competent, professional, and workmanlike manner by senior consultants with appropriate levels of education and experience necessary to perform the Services consistent with best industry practices;

(f)   the Data, BGC Data Schema, the Classification Code, Classification System, the BGC Database and the BGC Application shall contain no known computer virus or other contaminants, including any codes, instructions or hard devices that are intended to be used to access, modify, delete, damage or disable any central processing unit, network or server through which RealPage may access the Services (collectively, "Viruses");

(g)   it will utilize industry standard processes for assuring system security integrity and Virus detection for the Services; and

(h)   in collecting the Data, and otherwise performing its obligations under this Agreement, it shall comply with all applicable federal, state, county, and local rules, including all other state or federal laws, rules and/or regulations governing or relating to the collection, aggregation, sale or dissemination or, or the creation or use of consumer information or reports..

10.2   RealPage Warranties. RealPage represents and warrants to BGC that, in using the Data, whether through dissemination to RealPage through the Gateway or via the BGC Application, and otherwise performing its obligations under this Agreement, it shall comply with all applicable federal, state, county, and local rules, including without limitation the FCRA, and all other state or federal laws, rules and/or regulations governing or relating to the collection, aggregation, sale or dissemination of, or the creation or use of consumer information or reports.

10.3   Mutual Warranties. Each party represents and warrants to the other that it has the right, power, and capacity to execute, deliver, and perform this Agreement and to consummate the transactions contemplated hereby. Each party represents and warrants to the other that it shall comply with all applicable federal, state, and local laws and regulations as of the Effective Date or that come into effect during the Term (including without limitation the FCRA), all corresponding state laws related to the reporting of data for purposes of generating reports containing personal credit or criminal history, privacy legislation, and regulations) all in connection with the performance of its obligations and in connection with its provision of (i) in the case of BGC, the License and the Services to RealPage; and (ii) in the case of RealPage, the RealPage System and Screening Services to End Users.

10.3   DISCLAIMER. EXCEPT AS EXPRESSLY PROVIDED HEREIN, BGC HEREBY DISCLAIMS ALL ADDITIONAL WARRANTIES, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, WITH RESPECT TO THE APPLICATIONS OR SERVICES, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ARISING FROM TRADE USAGE OR COURSE OF DEALING.

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11. **Exclusivity.**

11.1   BGC may market and sell its services to other resident screening companies, regardless of whether they compete with RealPage.

12. **Proprietary Rights; Confidential Information**

12.1   Ownership. No transfer of ownership or any software or Data or any Intellectual Property Rights shall occur or shall be deemed to occur under this Agreement. Both parties hereby reserve all rights not expressly granted herein. BGC shall retain all right, title, and interest, including all Intellectual Property Rights, in and to the Data, Database(s), BGC Data Schema, Criminal Classification System, the Classification Code, the BGC Database and the BGC Application. RealPage shall retain all right, title, and interest, including all Intellectual Property Rights, in and to the RealPage System and the Screening Services.

12.2   Confidentiality.

(a)   "Confidential Information" means any and all information disclosed by either party to the other which is marked "confidential" or "proprietary," or which the receiving party should reasonably believe to be confidential, including oral information, which is designated confidential at the time of disclosure. Confidential Information does not include any information that the receiving party can demonstrate (i) was known to it prior to its disclosure; (ii) is or becomes publicly known through no wrongful act of the receiving party; (iii) has been rightfully received from a third party authorized to make such disclosure without restriction; or (iv) is independently developed by the receiving party.

(b)   Each party shall use the Confidential Information of an End User or of the other party solely as necessary to perform its obligations and exercise its rights under this Agreement, and for no other purpose whatsoever. Neither party shall disclose any Confidential Information of an End User or of the other party without such party's prior written consent. Each party shall use the same degree of care to protect the other party's Confidential Information as it uses to protect its own most highly confidential information, but in no circumstances less than a reasonable degree of care.

(c)   If a receiving party is compelled by law, regulation or a court of competent jurisdiction to disclose any Confidential Information of the other party, the receiving party will promptly notify the disclosing party so that the disclosing party may seek a protective order or other appropriate remedy, and the receiving party, at the written request of the disclosing party and at the disclosing party's expense, shall provide to the disclosing party reasonable assistance in seeking such protective order or other remedy. If disclosure is ultimately required, the receiving party shall furnish only that portion of the Confidential Information that is legally required, exercise reasonable efforts to obtain assurance that it will receive confidential treatment, and continue to treat such Confidential Information in accordance with its obligations under this Agreement.

13. **Indemnity**

13.1   Mutual Indemnity. Subject to Section 14.2, each party shall indemnify, defend and hold the other harmless from and against any and all claims, demands, losses, damages, costs, expenses, and liabilities (including reasonably attorneys' fees) brought by third parties arising out of or related to its marketing, use or provision of its services (as to BGC: the Data, Database(s), BGC Data Schema, Criminal Classification System, the Classification Code, and as to RealPage: the RealPage System and Screening Services, as the case may be).

13.2   Infringement Indemnity.

(a)   BGC shall defend, indemnify and hold harmless RealPage and its officers, directors, employees, and agents (each an "Indemnified Party") from and against any claim brought against such Indemnified Party or an End User by a third party that the Data, Database(s), BGC Data Schema, Criminal Classification System, the Classification Code, the BGC Database and the BGC Application, or the access to or

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the use by RealPage of the License or the Services, infringes a patent or copyright or misappropriates a trade secret of such third party, and shall pay all amounts finally awarded (including settlements entered into judgment) by a court of competent jurisdiction to the extent based upon such claim.

(b)   RealPage shall defend, indemnify, and hold harmless BGC and its officers, directors, employees, and agents (each an "Indemnified Party") from and against any claim brought against such Indemnified Party by a third party that the RealPage System or the Screening Services infringe a patent or copyright or misappropriates a trade secret of such third party, and shall pay all amounts finally awarded (including settlements entered into judgment) by a court of competent jurisdiction to the extent based upon such claim.

13.3   Procedure.   The Indemnified Party seeking indemnification under this Section 13 shall: (i) promptly notify the other party ("Indemnitor") in writing of any claim, action, suit or other proceeding brought by third parties for which it is seeking indemnification; (ii) provide Indemnitor with sole control of the defense and/or settlement thereof; and (iii) provide Indemnitor, at Indemnitor's request and expense, with reasonable assistance and full information with respect thereto.   The Indemnified Party shall have the right to participate, at its own expense, with counsel of its own choosing in the defense and/or settlement of such claim, suit or proceeding.   The indemnification obligations of the parties in this Section 13 shall not apply to amounts paid in settlement of any claim, suit or proceeding if such settlement is effected without the consent of Indemnitor, which consent shall not be unreasonably withheld or delayed.

14.   Limitation of Liability

14.1   Exclusion of Consequential Damages.   TO THE MAXIMUM EXTENT ALLOWED UNDER APPLICABLE LAW, IN NO EVENT WILL EITHER PARTY BE LIABLE FOR ANY INCIDENTAL, SPECIAL, CONSEQUENTIAL, EXEMPLARY OR INDIRECT DAMAGES, INCLUDING BUT NOT LIMITED TO, COST OF COVER, LOSS OF DATA, LOSS OF PROFITS, BUSINESS INTERRUPTION, ARISING OUT OF OR RELATED TO THIS AGREEMENT, NO MATTER HOW CAUSED AND ON ANY THEORY OF LIABILITY.

14.2   Cap on Liability.   OTHER THAN FOR LIABILTY ARISING THROUGH OPERATION OF THE INDEMNITY PROVISIONS HEREUNDER, IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY LIABILITY IN AN AMOUNT EXCEEDING THE TOTAL MONTHLY FEES PAID BY REALPAGE TO BGC DURING THE SIX MONTHS PRECEDING THE EVENT GIVING RISE TO THE LIABILITY.

15.   Miscellaneous

15.1   Governing Law; Jurisdiction.   This Agreement shall be governed by the laws of the State of Texas, excluding its principles of conflict of laws.

15.2   Entire Agreement.   This Agreement, together with all Exhibits, constitutes the entire agreement between BGC and RealPage with respect to BGC Services. There are no restrictions, promises, warranties, covenants or undertakings other than those expressly set forth herein and therein. Other than for the Current Agreement that, as amended by this Agreement, is hereby ratified and confirmed, this Agreement supersedes all prior negotiations, agreements, and undertakings between the parties with respect to such matter.   For avoidance of doubt, by execution of this Agreement, the parties intend and hereby do terminate the Current Agreement, which shall be of no further force or effect.

15.3   Severability.   If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, such provision will be changed and interpreted so as to best accomplish the objectives of the original provision to the fullest extent allowed by law, and if no feasible interpretation will save such provision, it shall be severed from this Agreement, and the remaining provisions remain in full force and effect.

15.4   Waiver.   No delay or omission by either party to exercise any right or power it has under this Agreement shall impair or be construed as a waiver of such right or power. A waiver by either party of any breach by the other party shall not be construed to be a waiver of any succeeding breach or any other covenant by the other party. All waivers must be in writing and signed by the party waiving its rights.

15.5   Assignment.   Neither party may assign this Agreement, without the prior written consent of the other party, which consent shall not be unreasonably withheld or delayed, except in connection with a merger, sale of substantially all stock of such party or the assets to which this Agreement relates, or other corporate restructuring. Any

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attempted assignment of this Agreement in violation of this provision shall be void. Subject to the foregoing, this Agreement shall be binding on each party's successors and assigns.

      15.6   Independent Contractors. The relationship of the parties under this Agreement shall be that of an independent contractor and nothing contained in this Agreement shall create or imply an agency or joint venture relationship between the parties.

      15.7   Notices. Except as otherwise specified in this Agreement, all notices, required or permitted under this Agreement shall be in writing and shall be delivered or sent by (a) first class U.S. mail, registered or certified, return receipt requested, postage pre-paid; or (b) U.S. express mail, or other similar overnight courier service to the address first specified above. Notices shall be deemed given on the day actually received by the party to whom the notice is addressed.

      15.8   Headings. Headings in this Agreement are for reference purposes only and shall not effect the interpretation or meaning of this Agreement.

      15.9   Force Majeure. Notwithstanding any provision contained in this Agreement, neither party shall be liable to the other for a delay in performance to the extent such delay is beyond the reasonable control of party, including without limitation, acts of God, wars or other civil disorder; strikes; natural disasters, failure of the Internet, other power or electrical failures, or other federal, state or municipal action. This clause shall not apply to the payment of any sums due under this Agreement by either party to the other.

      15.10   No Third Party Beneficiary. The provisions of this Agreement are intended or shall be construed to confer upon or give to any person or entity other than BGC and RealPage (and their permitted assignees) any rights, remedies or other benefits under or by reason of this Agreement.

      15.11   Non-Solicitation. Each party agrees during the term of this Agreement and for a period of twelve (12) months following termination or expiration hereof, that it will not solicit for employment (for itself or any third party) any employee of the other party who performed any material obligation under this Agreement. If a party breaches the provision of this Section 16.11, such party shall pay the other party, as liquidated damages and not as a penalty, an amount equal to the total compensation paid by the non-breaching party to such employee during the last twelve (12) months of such individual's employment with the non-breaching party..

      15.12   Survival. Sections 1, 3.2(e), 3.2(f), 5.3, 5.4, 7.3(b), 10.3, 12, 13, 14 and 15.12 shall survive.

      15.13   Counterparts. This Agreement may be executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together constitute one and the same Agreement.

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CONFIDENTIAL

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers in acceptance of its terms:

Backgroundchecks.com:

By: _____ *Ray W. Conrad* _____

Print Name: _____ *Raymond W. Conrad* _____

Title: _____ *CEO* _____

RealPage, Inc.:

By: _____ *Stephen T Winn* _____

Print Name: _____ STEPHEN T. WINN _____

Title: _____ CEO & PRESIDENT _____

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Exhibit 5

John Soumilas

From:	St. George, Timothy J. <Timothy.St.George@troutman.com>
Sent:	Wednesday, August 14, 2019 11:54 AM
To:	John Soumilas; Lauren Brennan
Cc:	Lohr, Jessica
Subject:	RE: Jones & Arnold v. RealPage - Revised interrogatory responses re: GDS

That's what I said, which is what makes all of this irrelevant. You can represent in your brief that this has been confirmed by counsel for RealPage. That's sufficient. It won't be contested.

Timothy J. St. George

troutman **sanders**
Direct: 804.697.1254
tim.st.george@troutman.com

From: John Soumilas <jSoumilas@consumerlawfirm.com>
Sent: Wednesday, August 14, 2019 11:52 AM
To: Lauren Brennan <LBrennan@consumerlawfirm.com>; St. George, Timothy J. <Timothy.St.George@troutman.com>
Cc: Lohr, Jessica <Jessica.Lohr@troutman.com>
Subject: RE: Jones & Arnold v. RealPage - Revised interrogatory responses re: GDS

EXTERNAL SENDER

Yeah, we need admissible evidence. An RFP response simply says you produced a contract with BGC. You previously stated that the BGC contract is actually the controlling contract for RP acquisition of criminal records data, including for GDS records such as the ones that appeared on Jones report. Is that true?

FRANCIS & MAILMAN
CONSUMER PROTECTION LITIGATION
John Soumilas, Esquire
1600 Market St., Suite 2510
Philadelphia, PA 19103
P 215.735.8600
F 215.940.8000
E jsoumilas@consumerlawfirm.com
Firm Websites:
www.consumerlawfirm.com
www.creditreportproblems.com

From: Lauren Brennan <LBrennan@consumerlawfirm.com>
Sent: Wednesday, August 14, 2019 11:40 AM
To: St. George, Timothy J. <Timothy.St.George@troutman.com>
Cc: John Soumilas <jSoumilas@consumerlawfirm.com>; Lohr, Jessica <Jessica.Lohr@troutman.com>
Subject: RE: Jones & Arnold v. RealPage - Revised interrogatory responses re: GDS

An RFP does not connect the dots in the way that we need. If it's not contested, let's just stipulate.

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From: St. George, Timothy J. <Timothy.St.George@troutman.com>
Sent: Wednesday, August 14, 2019 11:25 AM
To: Lauren Brennan <LBrennan@consumerlawfirm.com>
Cc: John Soumilas <jSoumilas@consumerlawfirm.com>; Lohr, Jessica <Jessica.Lohr@troutman.com>
Subject: RE: Jones & Arnold v. RealPage - Revised interrogatory responses re: GDS

What I am saying is that we can simply amend the RFP responses in that regard. Is that good? This stipulation seems way overkill on a point not at all contested.

Timothy J. St. George
troutman **sanders**
Direct: 804.697.1254
tim.st.george@troutman.com

From: Lauren Brennan <LBrennan@consumerlawfirm.com>
Sent: Wednesday, August 14, 2019 10:37 AM
To: St. George, Timothy J. <Timothy.St.George@troutman.com>
Cc: John Soumilas <jSoumilas@consumerlawfirm.com>; Lohr, Jessica <Jessica.Lohr@troutman.com>
Subject: RE: Jones & Arnold v. RealPage - Revised interrogatory responses re: GDS

EXTERNAL SENDER

What we need is something that connects the dots between references in the testimony and written discovery responses (including the rog responses) to Genuine Data Services, and the backgroundchecks.com contract. To avoid the verification issue, how about a stipulation along the lines of the attached?

From: St. George, Timothy J. <Timothy.St.George@troutman.com>
Sent: Wednesday, August 14, 2019 9:39 AM
To: Lauren Brennan <LBrennan@consumerlawfirm.com>
Cc: John Soumilas <jSoumilas@consumerlawfirm.com>; Lohr, Jessica <Jessica.Lohr@troutman.com>
Subject: RE: Jones & Arnold v. RealPage - Revised interrogatory responses re: GDS

Can we just send a revised RFP that identifies the contract by Bates range. Seems silly to go through a new verification process.

Timothy J. St. George
troutman **sanders**
Direct: 804.697.1254
tim.st.george@troutman.com

From: Lauren Brennan <LBrennan@consumerlawfirm.com>
Sent: Tuesday, August 13, 2019 5:08 PM
To: St. George, Timothy J. <Timothy.St.George@troutman.com>
Cc: John Soumilas <jSoumilas@consumerlawfirm.com>; Lohr, Jessica <Jessica.Lohr@troutman.com>
Subject: Jones & Arnold v. RealPage - Revised interrogatory responses re: GDS

EXTERNAL SENDER

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Hi Tim,

Nice seeing you today here in Philly. We wanted to follow up on one issue from our August 6 call regarding RealPage's supplemental production in the Jones case. During the call, we asked about RealPage's references in its supplemental responses to Jones Interrogatories 2 and 4 to a contract with Genuine Data Services, since the only contract produced to date is with a different entity, backgroundchecks.com. You represented that they are the same entity, and we asked for revised interrogatory responses that make this relationship clear. Please let us know when we can expect to receive this information – we anticipate needing to file it in connection with our class cert motion on Monday.

Thanks,
Lauren

FRANCIS & MAILMAN
CONSUMER PROTECTION LITIGATION

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Firm Websites:
www.consumerlawfirm.com
www.creditreportproblems.com

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Exhibit 6

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

DIANE D. JONES and JAMES ARNOLD,	
Plaintiffs,	Case No. 1:19-cv-501-JG
	DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFF JONES' FIRST SET OF INTERROGATORIES
v.	
	District Court Judge James S. Gwin
REALPAGE, INC. d/b/a LEASINGDESK SCREENING,	
	Magistrate Judge William H. Baughman
Defendant.	

DEFENDANT'S FIRST SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF JONES' FIRST SET OF INTERROGATORIES

Pursuant to Fed. R. Civ. P. 26 and 33, Defendant RealPage, Inc. d/b/a LeasingDesk Screening, ("RealPage" or "Defendant") objects and responds to Plaintiff Diane D. Jones' ("Plaintiff") First Set of Interrogatories as follows:

PRELIMINARY STATEMENT

Defendant has not yet completed its investigation of the facts relating to this action, has not yet completed its discovery, and has not yet completed its preparation for trial. Consequently, the following responses are provided without prejudice to Defendant's right to introduce, at the time of trial or other proceedings, subsequently discovered information relating to the proof of presently known material facts and to introduce all information, whenever discovered, relating to

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the proof of subsequently discovered material facts. However, Defendant does not assume any duty of ongoing amendment to these responses.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

RealPage objects to the definition of "Defendant/You/Your" insofar as it includes any "agency, subsidiary(ies), parent corporation(s) and/or any of its branches, departments, employees, agents, contractual affiliates, or others connected by legal relationship, in the broadest sense." This definition is vague, ambiguous, and woefully overly broad and unduly burdensome, given that it would encompass third parties or entities, whose information and/or documents are not within RealPage's possession, custody, or control, or whose information has no relevance or bearing on the claims or defenses at issue in this matter.

RESPONSES TO INTERROGATORIES

1.   Identify all entities, public or private, from which you have obtained any of the criminal record information that you sell about consumers, from March 6, 2014 to the present.

ANSWER: RealPage objects to this Interrogatory as vague, ambiguous, and overbroad, including because it is not limited to the specific claims or the tenant screening reports at issue in this action.

Subject to and without waiving any objections, RealPage obtains criminal record information from publicly available sources. The criminal record information contained in the relevant tenant screening reports was obtained from the Maryland Department of Corrections, the Nevada Department of Corrections, and the Georgia Corrections Supplemental. This information was accurately retrieved by a reputable vendor, Genuine Data Services, LLC, and thereafter provided to RealPage.

2.   Identify the entity or entities, public or private, from which you obtained the criminal record information appearing on the consumer report you sold about Plaintiff Jones on or about August 28, 2017.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, including with respect to the phrase "consumer report you sold."

Subject to and without waiving any objections, RealPage obtains criminal record information from publicly available sources. The criminal record information contained in the relevant tenant screening report was obtained from the Georgia Corrections Supplemental. This information was accurately retrieved by a reputable vendor, Genuine Data Services, LLC and thereafter provided to RealPage.

3.   How much did you charge for the consumer report that you sold about Plaintiff Jones to Interstate Realty Management/Marietta Road?

ANSWER: RealPage objects to the Interrogatory as not relevant because the amount RealPage charges for consumer reports has no bearing on the claims or defenses asserted in this action. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, commercial or proprietary information.

SUPPLEMENTAL ANSWER: Subject to and without waiving its objections, RealPage states that the Marietta Road Apartment Complex pays $12 per background screening report that it generates from RealPage's software.

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4. State the cost to you of obtaining the Fulton County, Georgia criminal record information appearing on the consumer report you sold about Plaintiff Jones on or about August 28, 2017.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined terms "cost" and "criminal record information." RealPage objects to the Interrogatory as not relevant because the cost of obtaining public record information has no bearing on the claims or defenses in this case. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, commercial or proprietary information.

Subject to and without waiving its objections, RealPage responds that it does not pay Genuine Data Services, LLC on a per-record basis. Therefore, it is unable to respond to this Interrogatory.

SUPPLEMENTAL ANSWER: Subject to and without waiving its objections, RealPage directs Plaintiffs to its contract with Genuine Data Services, LLC, which outlines the pricing terms for criminal records.

5. State the total number of consumers with an address in the United States and its Territories about whom you sold a report for each calendar year between March 6, 2014 and the present which included (i) one or more items of criminal record information, for which (ii) the first Name of the offender as listed on the criminal record was not a character-for-character match to the first name of the individual who was the subject of the report, and (iii) the last Name of the offender as listed on the criminal record was not a character-for-character match to the last name of the individual who was the subject of the report.

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ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined terms "consumers," "report," "criminal record information," and "subject of the report." RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant. Moreover, RealPage objects to this Interrogatory to the extent it seeks disclosure of private information of third parties who are not parties to this action, and may not even be members of a class, should a class be certified. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, commercial or proprietary information.

Subject to and without waiving its objections, RealPage responds that it cannot identify the information requested from its records.

6.   State the total number of consumers with an address in the United States and its Territories about whom you sold a report for each calendar year between March 6, 2014 and the present which included one or more items of criminal record information, for which the first and last name of the individual who was the subject of the report was not a character for character match to either the Name of the offender or any of the alias names list on the criminal record.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined terms "consumers," "report," "criminal record information," "subject of the report," "offender," and "names list on the criminal record." RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified

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and, thus, the requested information is overbroad and irrelevant. Moreover, RealPage objects to

this Interrogatory to the extent it seeks disclosure of private information of third parties who are

not parties to this action, and may not even be members of a class, should a class be certified.

RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential

business, financial, commercial or proprietary information.

Subject to and without waiving its objections, RealPage responds as follows: none.

7.   State the total number of consumers with an address in the United States and its

Territories about whom you sold a report for each calendar year between March 6, 2014 and the

present which included (i) one or more items of criminal record information, for which (ii) the first

Name of the offender as listed on the criminal record was not a character-for-character match to

the first name of the individual who was the subject of the report, (iii) the last Name of the offender

as listed on the criminal record was not a character-for-character match to the last name of the

individual who was the subject of the report, and (iv) the criminal record you placed on the report

represented the offender's date of birth as "1/1/XXXX - 12/31/XXXX" because you did not possess

the offender's month and day of birth.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically

with respect to the undefined terms "consumers," "report," "criminal record information," "subject

of the report," and "offender." RealPage objects to this Interrogatory on the grounds that it is

premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they

currently exist. Plaintiff's purported class has not been certified and, thus, the requested

information is overbroad and irrelevant. Moreover, RealPage objects to this Interrogatory to the

extent it seeks disclosure of private information of third parties who are not parties to this action,

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and may not even be members of a class, should a class be certified. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, commercial or proprietary information.

Subject to and without waiving its objections, RealPage responds that it cannot identify the information requested from its records.

8. State the total number of consumers with an address in the United States and its Territories about whom you sold a report for each calendar year between March 6, 2014 and the present which included one or more items of criminal record information, for which none of the characters of the first and last Name of the offender on the criminal record, when taken in order, matched to the first and last name of the individual who was the subject of the report, as shown in Attachment A hereto.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined terms "consumers," "report," "criminal record information," "subject of the report," and "offender." RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant. Moreover, RealPage objects to this Interrogatory to the extent it seeks disclosure of private information of third parties who are not parties to this action, and may not even be members of a class, should a class be certified. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, commercial or proprietary information.

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Subject to and without waiving its objections, RealPage responds that it cannot identify the information requested from its records.

9.   Of the consumers comprising your response to Interrogatory No. 8, state the total number of consumers for whom (i) there was an exact match between the last name of the individual who was the subject of the report and an alias last name contained on the criminal record, but (ii) one or zero characters of the first name of the same alias contained on the criminal record, when taken in order as shown in Attachment A hereto, matched the first name of the individual who was the subject of the report.

ANSWER: RealPage incorporates its objections to Interrogatory No. 8. RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined terms "consumers," "individual," "subject of the report," and "alias last name contained on the criminal record." RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant. Moreover, RealPage objects to this Interrogatory to the extent it seeks disclosure of private information of third parties who are not parties to this action, and may not even be members of a class, should a class be certified. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, commercial or proprietary information.

Subject to and without waiving its objections, RealPage responds that it cannot identify the information requested from its records.

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10.   In instances where you relied on an alias name to match a criminal record to consumers who were the subject of the report, state the total number of consumers for whom (i) there was an exact match between the last name of the individual who was the subject of the report and an alias last name contained on the criminal record, but (ii) one or zero of the characters of the first name of the same alias contained on the criminal record, when taken in order as shown in Attachment A hereto, matched the first name of the individual who was the subject of the report.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the undefined terms "alias name," "criminal record," "consumers," "report," "individual," "subject of the report," and "alias last name contained on the criminal record." RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant. Moreover, RealPage objects to this Interrogatory to the extent it seeks disclosure of private information of third parties who are not parties to this action, and may not even be members of a class, should a class be certified. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, commercial or proprietary information.

Subject to and without waiving its objections, RealPage responds that it cannot identify the information requested from its records.

11.   Identify any changes you have made to any of your practices or procedures for selling reports to clients and/or subscribers, or for providing information to/consumers, since the filing of this lawsuit.

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ANSWER: RealPage objects to this Request as vague and ambiguous, specifically with respect to the undefined terms "changes," "practices or procedures," "selling reports," and "clients and/or subscribers." RealPage objects to this Request for "all" documents as not proportional to the needs of the case, considering the factors enumerated in Fed. R. Civ. P. 26(b)(1). RealPage objects to this Request as not relevant and woefully overly broad, including as to time. RealPage also objects to this Request to the extent that it seeks information that constitutes confidential business, financial, commercial, and proprietary information, including trade secrets, absent the entry of a protective order. RealPage objects to providing the requested documentation on the basis that any such changes would constitute subsequent remedial measures not implicated by Plaintiffs' screening reports, including with respect to any changes made "since the filing of this lawsuit."

Dated: August 5, 2019

By:*/s/ Timothy St. George*

Ronald I. Raether, Jr.
Troutman Sanders LLP
5 Park Plaza, Suite 1400
Irvine, CA 92614
Tel: (949) 622-2700
Fax: (949) 622-2739

Timothy St. George (pro hac vice)
Troutman Sanders LLP
1001 Haxall Point
Richmond, Virginia 23219
Telephone: (804) 697-1200
Facsimile: (804) 698-1339

Attorneys for Defendant
RealPage, Inc.

10

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by electronic mail on

this the 5th day of August 2019:

John Soumilas, Esq.
James A. Francis, Esq.
Lauren KW Brennan, Esq.
Francis & Mailman
Land Title Building, 19th Floor
100 South Broad Street
Philadelphia, PA 19110
Email: jfrancis@consumerlawfirm.com
            jsoumilas@consumerlawfirm.com
            lbrennan@consumerlawfirm.com

Daniel Cohen, Esq.
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Stephen M. Bosak, Esq.
Matthew A. Dooley, Esq.
O'Toole McLaughlin Dooley & Pecora
5455 Detroit Road
Sheffield Village, OH 44054
Email: sbosak@omdplaw.com
            mdooley@omdplaw.com

/s/ Jessica R. Lohr
Jessica R. Lohr

Attorney for Defendant, RealPage, Inc. d/b/a Leasing Desk

11

Exhibit 7

8/28/2017   Screening detail report:

`[ Print ]`

☐ Display Disclosures in Report

Diane D Jones

Address	3494 Raymont Blvd	Date/time	8/28/2017 3:04:17 PM
	University Heights, OH 44118-2602, US	RealPage Applicant Screening	(866)934-1124
		Birth date	8/13/xxxx
		SSN / ITIN	xxx-xx-9799
Gender	Female		

Credit report

Name	DIANE D JONES	File date	1987-08	Run date	8/15/2017
SSN	xxx-xx-9799	Birth date	8/13/xxxx	Source	Equifax
				Beacon:	556

Credit bureau warning message

EquifaxSAFESCAN
EFX: (code: S) ID SCAN: Identity Scan did not detect any alerts
Input address substantially matches on-file address.
* SSN Information: /SSN on MDB File: xxx-xx-9799(Verified)/ SSN on Inquiry: xxx-xx-9799/ Date Issued: 00-1972 in State: OH

Name Variation

Name

Previous addresses

Address	County	Reported Dates
Current Address:3494 Raymont Blvd University Heights OH 44118-2602	Cuyahoga County	
Previous Address:3494 RAYMONT BLVD UNIVERSITY HEIGHTS OH 44118	Cuyahoga County	From: 2017-07 To: 2015-11
Previous Address:210 UNION ST APT 101 BEDFORD OH 44146	Cuyahoga County	From: 2016-04 To: 2014-11
Previous Address:22709 LAKE SHORE BLVD APT 250C EUCLID OH 44123	Cuyahoga County	From: 2017-08 To: 2017-06
Previous Address:3912 DELTA DAWN LN NORTH LAS VEGAS NV 89032	Clark County	From: 2017-07 To: 2014-02
Previous Address:21507 FRANKLIN RD MAPLE HEIGHTS OH 44137	Cuyahoga County	From: 2016-06 To: 2010-09
Previous Address:19221 SUNSET DR WARRENSVILLE HEIGHTS OH 44122	Cuyahoga County	From: 2013-01 To: 2010-08
Previous Address:2520 SIERRA BELLO AVE UNIT 104 LAS VEGAS NV 89106	Clark County	From: 2014-04 To: 2010-08
Previous Address:24950 ROCKSIDE RD BEDFORD OH 44146	Cuyahoga County	From: 2010-08 To: 2010-08
Previous Address:440 RICHMOND PARK E APT 503C RICHMOND HEIGHTS OH 44143	Cuyahoga County	From: 2010-08 To: 2004-10
Previous Address:4136 E 113TH ST CLEVELAND OH 44105	Cuyahoga County	From: 2015-05 To: 2004-04

Reported Employment

Employer information
ALLSTATE INS Addr: From: To: DataSource:
ADW SONS Addr: From: To: DataSource:
STATE FARM INSURANCE Addr: CLEVELAN OH From: To: DataSource:

FICO

Scoring Factors
Serious delinquency and derogatory public record or collection filed
Number of accounts with delinquencies
Length of time since derogatory public record or collection is too short
Length of time accounts have been established
THE NUMBER OF INQUIRIES ON FILE ADVERSELY AFFECTED THE SCORE

Financial detail totals

, Medical, Student Loan, Bankruptcy, Rental Collections

Applicant	FICO	Credit lmt	Unpaid bal	Open amt	Mthly pymt	30	60	90	Pos	Neg	Non	Inquiries
DIANE D JONES	Equifax-Beacon: 556	0	1664	0	0	1	1	7	0	2	0	2

Financial detail

1. DEPARTMENT OF EDUCAT	Payment Pattern:		Rating: **Pos**
Acct#:(***********6999)	90 Days Late:	Open Amt:	Status: **Closed**

https://irm.onesite.realpage.com/shell_cb/shellchild.htm?c=111100011011000001001111001000000010010010000000000010000001001101000000000...   1/3

8/28/2017   Screening detail report:

Type: **Educational (Installment)**	60 Days Late:	Current Limit:	Opened: **2010-02**
Comment:**AsAgreed**	30 Days Late:	Current Balance: **$0.00**	Reported: **2014-12**
Notes: **Ignored; settings filter out Educational**		Monthly Pmt:	Activity:

2. DEPT OF ED/NELNET	Payment Pattern: ***CCCCCCCCCCCC*********		Rating: **Pos**
Acct#:(***********4599)	90 Days Late:**3**	Open Amt:	Status: **Closed**
Type: **Educational (Installment)**	60 Days Late:**0**	Current Limit:	Opened: **2010-02**
Comment:**AsAgreed**	30 Days Late: **0**	Current Balance: **$0.00**	Reported: **2014-12**
Notes: **Ignored; settings filter out Educational**		Monthly Pmt:	Activity: **2014-08**

3. DEPT OF ED/NELNET	Payment Pattern: ***********CCCCCCCCCCCCC		Rating: **Pos**
Acct#:(***********4499)	90 Days Late:**3**	Open Amt:	Status: **Closed**
Type: **Educational (Installment)**	60 Days Late:**0**	Current Limit:	Opened: **2010-02**
Comment:**AsAgreed**	30 Days Late: **0**	Current Balance: **$0.00**	Reported: **2015-08**
Notes: **Ignored; settings filter out Educational**		Monthly Pmt:	Activity: **2015-08**

4. DEPARTMENT OF EDUCAT	Payment Pattern: *****************C******		Rating: **Pos**
Acct#:(***********6899)	90 Days Late:	Open Amt:	Status: **Closed**
Type: **Educational (Installment)**	60 Days Late:	Current Limit:	Opened: **2010-02**
Comment:**AsAgreed**	30 Days Late:	Current Balance: **$0.00**	Reported: **2016-06**
Notes: **Ignored; settings filter out Educational**		Monthly Pmt:	Activity: **2014-12**

5. FINGERHUT/WEBBANK	Payment Pattern: **9321CC**		Rating: **Neg**
Acct#:(***********3464)	90 Days Late:**1**	Open Amt:	Status: **Open**
Type: **InstallmentSalesContract (Installment)**	60 Days Late:**1**	Current Limit:	Opened: **2014-11**
Comment:**Collection**	30 Days Late: **1**	Current Balance: **$0.00**	Reported: **2015-05**
Notes: **Mail Order Firms**		Monthly Pmt: **$24.00**	Activity: **2014-12**

6. LVNV FUNDING LLC	Payment Pattern:		Rating: **Neg**
Acct#:(***********3464)	90 Days Late:	Open Amt:	Status: **Open**
Type: **FactoringCompanyAccount (Open)**	60 Days Late:	Current Limit:	Opened: **2015-04**
Comment:**Collection**	30 Days Late:	Current Balance: **$238.00**	Reported: **2017-08**
Notes: **Financial**		Monthly Pmt:	Activity: **2014-12**

7.	Payment Pattern:		Rating: **Neg**
Acct#:(*******70N1)	90 Days Late:	Open Amt:	Status: **Closed**
Type: **Collection (Unknown)**	60 Days Late:	Current Limit:	Opened:
Comment:**Collection**	30 Days Late:	Current Balance: **$50.00**	Reported: **2017-07**
Notes: **Ignored; settings filter out Medical**		Monthly Pmt:	Activity:

8.	Payment Pattern:		Rating: **Neg**
Acct#:(*******91N1)	90 Days Late:	Open Amt:	Status: **Closed**
Type: **Collection (Unknown)**	60 Days Late:	Current Limit:	Opened:
Comment:**Collection**	30 Days Late:	Current Balance: **$665.00**	Reported: **2017-07**
Notes: **Ignored; settings filter out Medical**		Monthly Pmt:	Activity:

9.	Payment Pattern:		Rating: **Neg**
Acct#:(*******92N1)	90 Days Late:	Open Amt:	Status: **Closed**
Type: **Collection (Unknown)**	60 Days Late:	Current Limit:	Opened:
Comment:**Collection**	30 Days Late:	Current Balance: **$665.00**	Reported: **2017-07**
Notes: **Ignored; settings filter out Medical**		Monthly Pmt:	Activity:

10.	Payment Pattern:		Rating: **Neg**
Acct#:(***4561)	90 Days Late:	Open Amt:	Status: **Closed**
Type: **Collection (Unknown)**	60 Days Late:	Current Limit:	Opened:
Comment:**Collection**	30 Days Late:	Current Balance: **$46.00**	Reported: **2017-08**
Notes: **Ignored; settings filter out Medical**		Monthly Pmt:	Activity:

Credit inquiries

Party inquiring	Date
SEARS/CBNA	2017-04-09
AT & T SERVICES INC	2016-09-19

211

REALPAGE/JONES 000002

8/28/2017   Screening detail report:

Criminal & Other Records

Run date 8/15/2017

Offender information

ID	Jur code	Name	Birth date	SSN	Photo/Description
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx		SEX: f RACE_ETHNIC: black HAIR: black EYE_COLOR: brown

Alias information - ID column indicates association between offender and alias

ID	Jur code	Name	Birth date	Alias Name/Description	Alias Birth date
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	TAYLOR, TONI YVETTE	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	THOMAS, PAMELA	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	THOMAS, SANDRA	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	JONES, PAMELA	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	JONES, TINA	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	SMITH, SANDRA	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	SMITH, TINA	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	SMITH, TONI	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	TAYLOR, PAMELA	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	TAYLOR, TONI EVETTE	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	TAYLOR, TONI Y	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	JACKSON, TINA	
1	GADOCSPL	TAYLOR, TONI	1/1/xxxx - 12/31/xxxx	WATKINS, TONI	

Offense information - ID column indicates association between offender and offense

ID	Jur code	Disposition	Type/Level	Charge	Record Date	ORIC/ County	Note
1	GADOCSPL			S/D NARCOTICS OPIATES		FULTON COUNTY	Case#323494	

Source and Vendor Information

Jur Code	Source	Vendor Information
GADOCSPL	Georgia Corrections Supplemental	Genuine Data Services, LLC

For more information on criminal codes, **click here**.

Criminal & Other Records Searched
National Criminal Database
National Sex Offender Registry
National Wanted Terrorist/Fugitive Database
Disclosure From Jurisdictions Returning Results

Suits & Judgments for Eviction, Possession and/or Non-Payment of Rent Report

No eviction filings and/or judgments found for this applicant

LeasingDesk Inquiries

Consumer inquiries over the last 12 months

Important information

Credit Report
Criminal Disclosure
Eviction Report

3521464 Marietta Road - 7302 59

Exhibit 8

Click here to start over (OffQryForm.jsp) | Return to previous screen

NAME: TAYLOR, TONI

GDC ID: 0000194993

Sorry, this offender's photo is not available

PHYSICAL DESCRIPTION

YOB: 1961
RACE: BLACK
GENDER: FEMALE
HEIGHT: 0'00"
WEIGHT: 000
EYE COLOR: BROWN
HAIR COLOR: BLACK

SCARS, MARKS, TATTOOS

INCARCERATION DETAILS

MAJOR OFFENSE: THEFT BY TAKING
MOST RECENT INSTITUTION: WASHINGTON STATE PRISON
MAX POSSIBLE RELEASE DATE: 07/06/1995

Important Release Information

ACTUAL RELEASE DATE: 07/06/1995
CURRENT STATUS: INACTIVE

KNOWN ALIASES

A.K.A. JACKSON,TINA
A.K.A. JONES,PAMELA
A.K.A. JONES,TINA
A.K.A. SMITH,SANDRA
A.K.A. SMITH,TINA
A.K.A. SMITH,TONI
A.K.A. TAYLOR,PAMELA
A.K.A. TAYLOR,TONI
A.K.A. TAYLOR,TONI EVETTE
A.K.A. TAYLOR,TONI Y
A.K.A. TAYLOR,TONI YVETTE

A.K.A. THOMAS,PAMELA

A.K.A. THOMAS,SANDRA

A.K.A. WATKINS,TONI

STATE OF GEORGIA - CURRENT SENTENCES

CASE NO: 323494

OFFENSE: THEFT BY TAKING

CONVICTION COUNTY: FULTON COUNTY

CRIME COMMIT DATE: 10/29/1993

SENTENCE LENGTH: 0 YEARS, 18 MONTHS, 0 DAYS

CASE NO: 323494

OFFENSE: S/D NARCOTICS OPIATES

CONVICTION COUNTY: FULTON COUNTY

CRIME COMMIT DATE: N/A

SENTENCE LENGTH: 0 YEARS, 40 MONTHS, 0 DAYS

STATE OF GEORGIA - PRIOR SENTENCES

STATE OF GEORGIA - INCARCERATION HISTORY

INCARCERATION BEGIN: 01/25/1994

INCARCERATION END: 07/06/1995

INCARCERATION BEGIN: 08/02/1985

INCARCERATION END: 05/27/1986

INCARCERATION BEGIN: 12/13/1983

INCARCERATION END: 10/01/1984

Exhibit 9

233536

RECOMMENDED
_____ YES
_____ NO

APPLICATION FOR APPOINTMENT
COUNSEL AND CERTIFICATE OF
FINANCIAL RESOURCES

STATE OF GEORGIA
vs.

IN 300
Cm Bw

BOOKING # 9113530

Taylor, Toni

DATE 5-1-91

I am charged with the following offenses: Poss Coc 2500

_____ I (can) (cannot) afford to hire a lawyer to assist me.
_____ I (do) (do not) want the court to provide me with a lawyer.
_____ I understand this information is for the court to determine
whether or not to appoint a lawyer to defend me on these charges.
- -
MAILING ADDRESS: 2291 ~~600 Woods Rd~~ Apt 6-30
Jonesboro Rd Atl

DATE OF BIRTH: [REDACTED] -5- [REDACTED]   AGE: 25   SOCIAL SECURITY # REDACTED 7185
HIGHEST GRADE COMPLETED IN SCHOOL: 11   EMPLOYER: U/E
TAKE HOME PAY PER MONTH: O   IF UNEMPLOYED, HOW LONG? 2mths
DISABILITY OR OTHER INCOME PER MONTH: 6
ARE YOU MARRIED? NO   SPOUSE'S EMPLOYER: —
TAKE HOME PAY PER MONTH: —   NO. OF CHILDREN LIVING AT HOME: 4
AGES: 14, 12, 8, 9
DO YOU OWN A MOTOR VEHICLE: NO   YEAR AND MODEL: —
HOW MUCH DO YOU OWE ON IT: —
DO YOU OWN A HOME? —   VALUE OF HOME: —   RENT: O
- -
I HAVE READ (OR HAVE HAD READ TO ME) THE ABOVE QUESTIONS AND ANSWERS.
THE INFORMATION IS TRUE AND CORRECT.   I UNDERSTAND THAT ANY FALSE
ANSWER MAY RESULT IN A CHARGE OF PERJURY.   I WILL REIMBURSE THE COUNTY
IF I BECOME FINANCIALLY ABLE TO DO SO.

X _Toni T. Taylor_
DEFENDANT'S SIGNATURE

Sworn and Subscribed before
me this 1 day of MAY , 19 91 .

D. Mari Beth
Notary Public

Notary Public, Fulton County, Georgia
My Commission Expires June 27, 1994

FILED IN OFFICE

MAY 10 1991

Juanita Jackson
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA

ORDER APPOINTING COUNSEL

Pursuant to Section 29.2 of the Uniform Rules for the Superior
Court, appointment of counsel for the above-named defendant is
(GRANTED) (DENIED).
_____ The Fulton County Public Defender is appointed to represent the
defendant.
_____ Private counsel is appointed to represent the defendant.

5-1-91   Designe   Mari Beth
DATE   JUDGE, SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

BOOK 2877 PAGE 630

Distribution:
White   -- Clerk of Court (file)
Blue   -- Defendant
Canary -- Public Defender/Appointed Counsel

160-92-989

FULTON_COUNTY_0001

217

IN THE SUPERIOR COURT FOR THE COUNTY OF FULTON

STATE OF GEORGIA

NOTICE TO DEFENDANTS ENTERING PLEAS OF GUILTY

You are hereby notified by the Court that you have a right to have your sentence reviewed by the Superior Courts Sentence Review Panel of Georgia. Sentences of five (5) years or more may be reviewed by this Panel for excessiveness. A letter requesting a review (or an application form) must be filed with the clerk of this court. You have thirty (30) days from the date on which your sentence is imposed in which to file for your sentence review.

This the **21ˢᵗ** day of **June**, 19**91**.

PILED IN OFFICE

JUN 26 1991

DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA

JUDGE LEAH SEARS-COLLINS
Atlanta Judicial Circuit

NOTICE ACKNOWLEDGED

X _____
Defendant's Signature

Z. 33536 _____
Indictment Number

BOOK 2895 PAGE 497

SUPPLEMENTAL GUILTY PLEA PETITION*

2 3 35 36

(Accused is to fill in all of the blanks in his own handwriting)

I HEREBY REPRESENT TO THE COURT:

    1. My full name is ___Toni Yvette Taylor___, and I request that all proceedings against me be had in that name; and I am mentally competent to make this Petition. I understand, should the plea of guilty herein tendered not be accepted and a trial follows, that the admissions made herein will not be admissible against me at that time, except for impeachment purposes.

    2. I am represented by a lawyer, whose name is ___James Steven Purvis___.

    3. I will plead guilty to the charge of ___VGCSA 5-30___.

    4. I have told my lawyer all of the facts and circumstances known to me about the charges asserted in the (Indictment) (Accusation) (Special Presentment). I believe that my lawyer is fully informed on all of those matters. My lawyer has counseled and advised with me on the nature of each charge and on all possible defenses that I might have in this case.

    5. I understand that I may plead "Not Guilty" to any offense charged against me. If I choose to plead "Not Guilty," the Constitutions of the United States and Georgia guarantees me: (a) the right to a speedy and public trial by jury, (b) the right to see, hear and cross-examine all witnesses called to testify against me, (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor, (d) the right to have the assistance of a lawyer at all stages of the proceedings, (e) that I do not have to testify against myself, and (f) I have the right to make the state prove my guilt beyond a reasonable doubt. I also understand that if I do not have enough money, and cannot obtain funds to hire an attorney, the Court will appoint an attorney to represent me.

    6. I also understand that if I plead "Guilty" to the charges against me, I give up all the rights guaranteed to me, and the Court may sentence me to the same punishment as if I had pled "Not Guilty," stood trial, and been convicted of the offense by jury.

———————————————————

*This Petition is only a supplement to the plea entered on the record.

7.   My lawyer informed me that the punishment which the law provides for the offense charged in the indictment is: imprisonment for not less than ____5____ , ____ or more than ____30____ and a fine of $_____.

8.   I declare that no officer or agent of any branch of government (federal, state or local), nor my lawyer, nor any other person, had made any promise of any kind to me, or within my knowledge to anyone else, that I will receive a lesser sentence, or probation, or any other form of leniency if I plead "Guilty," except as to the recommendation contained in the plea agreement offered this day by the prosecuting attorney.

9.   I believe that my lawyer has completely done all that anyone could to counsel and assist me, and I AM SATISFIED WITH THE ADVICE AND GUIDANCE HE OR SHE HAS GIVEN ME.

10.   I plead "Guilty" and respectfully request the Court to accept my plea of "Guilty" and to enter my plea of "Guilty."

11.   I OFFER MY PLEA OF GUILTY "FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE (INDICTMENT) (ACCUSATION) (SPECIAL PRESENTMENT) AND IN THIS PETITION, AND THIS PLEA IS WITH THE ADVICE AND CONSENT OF MY ATTORNEY.

SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY, this _21_ day of __Jun_____, 19 _91_ .

_____
DEFENDANT

MY ADDRESS IS: _2291 Jones Brd Rd. #630_
atlanta GA. 30315

MY AGE IS: _29___ .

Signed in my presence this _21_ day of __Jun_____, 19 _91_ .

_____
ATTORNEY FOR DEFENDANT

BOOK 2895 PAGE 496

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AFFIDAVIT AND WARRANT FOR ARREST OF PROBATIONER

STATE OF GEORGIA   FULTON COUNTY SUPERIOR   COURT
        VS.   NUMBER: Z-33536
TONI TAYLOR   CHARGE: VGCSA

GEORGIA, FULTON COUNTY
    Personally appeared   ROBERT TYLER   , who, being duly
sworn on oath deposes and says that   TONI TAYLOR   was
placed on probation by this Court on the   21ST   day of   JUNE   19 91 ,
upon the charge of   VIOLATION GEORGIA CONTROLLED SUBSTANCE ACT

and that to the best of affiant's knowledge and belief said defendant has since violated the terms of probation in the following
manner: FAILED TO RESPOND TO LETTERS/MESSAGES TO REPORT.   FAILED TO COMPLY WITH COMMUNITY SERVIC
SPECIAL CONDITION.   FAILED TO RESPOND TO LETTERS/MESSAGES TO REPORT.
    That affiant makes this affidavit for the purposes of obtaining a warrant for the arrest of said probationer in order that
(he or she) may be returned to this Court to answer this charge of violation of probation.

Sworn to and subscribed before me this   _Robert Tyler_
                                                          ROBERT TYLER
    10TH   day of   OCTOBER   19 91 .

            Notary Public   Notary Public, Fulton County, Georgia
                               My Commission Expires May 3, 1993
GEORGIA, FULTON COUNTY
TO ALL AND SINGULAR, THE SHERIFFS, DEPUTY SHERIFFS, AND ALL OTHER DULY CONSTITUTED ARRESTING OFFICERS.
Affidavit having been made that the above named defendant has violated the terms of probation, you are hereby commanded to
arrest said defendant, to safely keep (him or her) until (he or she) may be brought before this Court to answer the charge of violation
of probation as set forth in the foregoing affidavit.

THE SENTENCE OF THE DEFENDANT IS HEREBY TOLLED UNDER THE PROVISIONS OF OCGA SEC. 42-8-36 (a), AND THE
SIGNING OF THIS ORDER.

This the   21ST   day of   Oct   19 91 .

                                        JUDGE,   LEAH SEARS COLLINS
                                              SUPERIOR   COURT OF FULTON COUNTY

GEORGIA, FULTON COUNTY:
DILIGENT SEARCH MADE AND DEFENDANT, _TONI TAYLOR_   BOOK 3029 PAGE 953
NOT TO BE FOUND IN THE JURISDICTION OF SAID COURT.
                                                        FILED IN OFFICE
        THIS   25th   DAY OF OCTOBER   19 91

                Robert Tyler   NOV 13 1991
FILED IN OFFICE   DEPUTY SHERIFF — PROBATION OFFICER   DEPUTY CLERK ... COURT
                                                          FULTON CO ...

OCT 28 1991
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA

OCT 29 1991

DOCKET NO.   Z-33536

STATE OF GEORGIA

COUNTY OF FULTON

STATE

VS.

Toni Taylor

Soc. Sec. # 8571 ... 05 ...

Date of Birth:

Race B   Sex F   Hgt. 5'1" Wt. 115
           359202
           06-21-2006

FP #

Expiration Date:

AUTHORITY TO ARREST

Received 19

Executed 19

By

Title

10-126-585

223

224

WARRANT CANCELLATION NOTICE

NAME _Toni Taylor_   INDICTMENT NO. _Z-33536_

ALIAS _____   WARRANT NO. _____

D.O.B. __REDAC 5 RED____   RACE _Black_

APD NO. _359202_ FUL. CO. NO. _____   F.B.I. NO. _____

DEPT. PLACE _Metro Probation_

WARRANT HAS BEEN DESIGNATED:

LOCAL ____✓____

STATE ____✓____

_1/10/92_

NATIONAL _____

DATE

Pamela A. Starratt

PROBATION OFFICER   (Dac)

- -

WARRANT UPDATE NOTICE

NAME _____

INDICTMENT NO. _____

YOU ARE REQUESTED TO ENTER THE WARRANT ISSUED ON _____

WITH: GGIC [ ]

NCIC [ ]

FILED IN OFFICE

PROBATION OFFICER

DATE .

JAN 23 1992

Nebul Callers

DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA

BOOK 3073 PAGE 114

JAN 1 4 1992

_0150_

10-032-0784

226

AFFIDAVIT AND WARRANT FOR ARREST OF PROBATIONER

STATE OF GEORGIA   FULTON COUNTY   SUPERIOR   COURT
        VS.   NUMBER: Z33536
                                    CHARGE: VGCSA
TONI TAYLOR

GEORGIA, FULTON COUNTY
    Personally appeared   ROBERT Y. JONES   , who, being duly
sworn on oath deposes and says that   TONI TAYLOR   was
placed on probation by this Court on the   21st   day of   JUNE   1991 ,
upon the charge of   VGCSA

and that to the best of affiant's knowledge and belief said defendant has since violated the terms of probation in the following
manner: FAILURE TO REPORT AND PAY AS DIRECTED BY THE COURT.
    That affiant makes this affidavit for the purposes of obtaining a warrant for the arrest of said probationer in order that
(he/ he/ she) may be returned to this Court to answer this charge of violation of probation.

                                                                    Robert Y. Jones
Sworn to and subscribed before me this   ROBERT Y. JONES

____25th____ day of ___JUNE_____ 19_92_ .
Tonya C. Barron
        Notary Public   Notary Public, Fulton County, Georgia
                         My Commission Expires June 18, 1993

GEORGIA, FULTON COUNTY
TO ALL AND SINGULAR, THE SHERIFFS, DEPUTY SHERIFFS, AND ALL OTHER DULY CONSTITUTED ARRESTING OFFICERS.
Affidavit having been made that the above named defendant has violated the terms of probation, you are hereby commanded to
arrest said defendant, to safely keep (him/ by her) until (He/ or/she) may be brought before this Court to answer the charge of violation
of probation as set forth in the foregoing affidavit.

THE SENTENCE OF THE DEFENDANT IS HEREBY TOLLED UNDER THE PROVISIONS OF OCGA SEC. 42-8-36 (a), AND THE
SIGNING OF THIS ORDER.

This the ___30th___ day of __June__ 19_92_

                                                    Elizabeth E. Long
                                                    JUDGE, ELIZABETH E. LONG
                                                    SUPERIOR   COURT OF FULTON COUNTY

GEORGIA, FULTON COUNTY:
DILIGENT SEARCH MADE AND DEFENDANT, ___TONI TAYLOR___
NOT TO BE FOUND IN THE JURISDICTION OF SAID COURT.

            THIS ___15th___ DAY OF ___JULY___ 19_92_

FILED IN OFFICE   _Robert Y. Jones_
                         DEPUTY SHERIFF—PROBATION OFFICER   BOOK 3229 PAGE 59

JUL 15 1992
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA
CC;SD

pv

STATE OF GEORGIA	COUNTY OF ___ FULTON	STATE VS.	Soc. Sec. # REDACTED 8571	REDACTED 5/	Date of Birth:

Hgt. 5'1" Wt. 115
Race _B_ Sex _F_
APB# 359202
FP #
Expiration Date: 5/15/2006
AUTHORITY TO ARREST
Received 19___
Executed 19___
By ___
Title ___

                                                                          10-126-585

227
                                                          FULTON_COUNTY_0011

228

WARRANT CANCELLATION NOTICE

NAME _Taylor , Joni Yvette_   INDICTMENT NO. _Z-33536_

ALIAS _____   WARRANT NO. _____

D.O.B. _[REDACTED]5[REDACTED]_   RACE _Black_

APD NO. _359202_   FUL. CO. NO. _____   F.B.I. NO. _____

DEPT. PLACING _Metro Probation_

WARRANT HAS BEEN DESIGNATED:

LOCAL _____

STATE _✓_

_8/7/92_

NATIONAL _____

DATE

Pamela A. Starratt

PROBATIONER OFFICER   _(Dac)_

FILED IN OFFICE

AUG 10 1992

DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA

WARRANT UPDATE NOTICE

NAME _____

INDICTMENT NO. _____

YOU ARE REQUESTED TO ENTER THE WARRANT ISSUED ON _____

WITH: GGIC _/____/_
         NCIC _/____/_

_____
PROBATION OFFICER

DATE

10-032-0784

229

230

bf 29 ar MCA 04-18-91
259202
087049(FCP)

Z- **33536**

WITNESSES:

B.P.S:
W. M. Smart

Drug Transport:
J. T. Turner
C. W. Richardson

Crime Lab:
George Fontis
91-12508

Clerk's No. ....

FULTON SUPERIOR COURT

THE STATE

vs.

TONI TAYLOR

....

·VIOLATION·GEORGIA·CONTROLLED·····
SUBSTANCES ACT
....

.... *True*...Bill

...*4th*..day of .... *June*.........,19 *91*

........*Henry C. Bauer*.....Foreman

....

waives copy of indictment, list of witnesses, full
panel, formal arraignment, and pleads .*guilty*..

.*Lewis R Slaton* /LG...Dist. Atty.

.*James St. Pryor*.........Deft's. Atty.

.*Toni K. Taylor*...........Deft.

.*21st*..day of .*June*........,19*7*

LFG

231

STATE OF GEORGIA, COUNTY OF FULTON.

IN THE SUPERIOR COURT OF SAID COUNTY.

THE GRAND JURORS selected, chosen and sworn for the County of Fulton, to-wit:

1. Henry C. Bauer, Foreman
2. ~~Kendrick Lester, Vice Foreman~~
3. Janet L. Melson, Secretary
4. Gloria Gaither, Asst. Secretary
5. ~~Kim Robertson Pointer~~
6. ~~Gladys Coleman~~
7. ~~Danita Grady Johnson Sr.~~
8. Jacqueline Dunlap
9. Katie H. Gates
10. ~~Stephanie Gibson~~
11. ~~Renee Lee Grover~~
12. Cedric D. Hendrix
13. Castell Jackson

14. Margaret R. Jacobs
15. Jeffrey D. Johnson
16. Ardella Knott
17. Evelyn A. Latimore
18. Vita G. Maddox
19. Jean McClatchet
20. Helen P. Parker
21. Gottrel Petty
22. ~~Philip Robideaux~~
23. Angeline B. Shepard
24. Alysia Miller, 1st Alt.
25. John Carleton, 2nd Alt.

in the name and behalf of the citizens of Georgia, charge and accuse

TONI TAYLOR

with the offense of: —

VIOLATION GEORGIA CONTROLLED SUBSTANCES ACT

for that said accused, in the County of Fulton and State of Georgia, on the

11th _____ day of _____ April _____, 19 91

did unlawfully sell Cocaine to W. M. Smart, said drug being a

controlled substance in Schedule II of said Act; —

contrary to the laws of said State, the good order, peace and dignity thereof.

LEWIS R. SLATON, District Attorney

Special Presentment.

BOOK 2224 PAGE 898

232

FILED IN OFFICE

CERTIFICATE OF SERVICE

I have this day served a true and correct copy of the within Rule Nisi upon the named Defendant by handing the same to said Defendant in person.

JAN 23 1992

This the _____ day of _____ , 19 ____ .

DEPUTY CLERK SUP...
FULTON COUNTY GEORGIA

_____
DEPUTY SHERIFF - PROBATION OFFICER

* *

TONI TAYLOR
APB#359202

ORDER OF REVOCATION

DOCKET#Z33536

WHEREAS, pursuant to notice given to the Defendant, a full hearing was conducted by this Court on the date aforesaid in accordance with Code Section 42-8-38 (Ga. L. 1956, pp. 27, 32; Ga. L. 1960, p. 857, Ga. L. 1966, p. 440) and the Court has adjudged that the terms of probation have been violated in the particulars as set forth in the Petition, unless therein otherwise specified:

HAVING BEEN REPRESENTED BY ATTORNEY, PAULA PAVLOSKY, FORMAL NOTICE WAIVED AND A HEARING

HELD AS DEFENDANT FAILED TO REPORT AS DIRECTED,

( ) Let it be further noted that said probation was revoked on the _____ day of _____ 19 ____ for a period of

_____ , and was reinstated on probation on the _____ day of _____ , 19 ___ , under the

conditions of the original Order of Probation.

NOW, THEREFORE, it is ordered and adjudged that the probation provisions in said original sentence be revoked in accordance with Code Section 42-8-38 (Ga. L. 1956, pp. 27,32; Ga. L. 1960, p. 857, Ga. L. 1966, p. 440) and the Defendant is hereby required to serve:

( ) Balance of said sentence.

(XX) *Four (4) months ~~Balance~~ of said sentence from warrant issued ___10-21-91___ and a return of Non est Inventus having been made on ___10-25-91___ in accordance with Sec. 42-8-36 of Statewide Probation Act of 1956 (as amended).

( ) Balance of said sentence, however, upon payment of balance of said fine and/or restitution in the amount of $ _____ . said sentence shall be suspended.

( ) _____ months/years. Upon service of said _____ , balance of said sentence shall be suspended.

(XX) *Four (4) _____ months/~~years~~ Upon service of said ___four (4) months___ said Defendant shall be reinstated on probation under the conditions of the original Order of Probation dated ___6-21-91.___

( ) Balance of said sentence concurrently with sentence received in Docket _____ .

( ) Balance of said sentence and service of time is suspended.

(XX) *CREDIT TIME SERVED SINCE 10-15-91. DEFENDANT TO SERVE TIME IN FULTON COUNTY JAIL.

Said sentence shall be served in the Fulton County Jail, the Public Works Camp or such other place as the Department of Corrections may direct.

( ) It is adjudged by the Court that the defendant is to be continued on probation.

This the ___9th___ day of ___JANUARY___ , 19 ___92___ .

_____
WALTER LOVETT, JR.   JUDGE

SUPERIOR   COURT, A. J. C.

BOOK 2290 PAGE 384

JAN TT
23 1992

234

PETITION FOR REVOCATION OF PROBATION

THE STATE
VS

TONI TAYLOR

DOCKET # Z33536

JANUARY-FEBRUARY _____ TERM

19 92 , SUPERIOR _____ COURT, A. J. C.

NOW COMES_____ PAMELA STARRATT _____ , Probation
Officer of Fulton County, in the name and behalf of the State of Georgia, and brings this action against
TONI TAYLOR _____ Hereinafter called the Defendant, and shows:

I

That the Defendant entered a plea of guilty to (xxxxxxxxxxxxx) the offense of_____ V.G.C.S.A. _____
_____ at the MAY-JUNE _____ Term, 19 91 .

II

That this Court, on the 21st day of JUNE , 1991 , did sentence the
Defendant to serve as follows: Five (5) years $250 fine, $25 penalty assessment, $25 jail
construction and staffing act, $10 monthly probation fee and probated.

III

That this court, by proper order, however, permitted the Defendant to serve said sentence on probation, the
terms and conditions of which are fully set forth in the Order of Probation.

IV

That the Defendant has violated the terms and conditions of probation in the following particulars:

_____
_____
_____
_____

V

WHEREFORE, the State of Georgia prays that the citation for revocation of probation be served on the Defen-
dant and that the Defendant be directed to appear before this court on a day to be fixed by the Court and at that
time to show cause why probation should not be revoked.

This the _____ day of _____ , 19____ .

_____
PROBATION OFFICER

* *

ORDER

The foregoing Petition read and considered. The same is hereby allowed and ordered filed. Let the Defen-
dant _____ , be brought before me on the _____ day of _____
_____ 19 _____ , at_____ M. in the Fulton County Courthouse for a hearing to deter-
mine whether his probated sentence should be revoked as prayed.

Let a copy of the foregoing Petition and this Order be served on the said _____ .

This the_____day of _____ 19___.

_____
JUDGE
COURT, A.J.C.

BOOK 90 PAGE 385   10-013-181

235

CERTIFICATE OF SERVICE

I have this day served a true and correct copy of the within Rule Nisi upon the named Defendant, serving the same to said Defendant in person.

This the _____ day of _____ , 19 ____ .

_____
DEPUTY SHERIFF - PROBATION OFFICER

* *
TONI (YVETTE) TAYLOR   DOCKET# Z-33536
APB# 359202   **ORDER OF REVOCATION**

WHEREAS, pursuant to notice given to the Defendant, a full hearing was conducted by this Court on the date aforesaid in accordance with Code Section 42-8-38 (Ga. L. 1956, pp. 27, 32; Ga. L. 1960, p. 857, Ga. L. 1966, p. 440) and the Court has adjudged that the terms of probation have been violated in the particulars as set forth in the Petition, unless therein otherwise specified:
HAVING BEEN REPRESENTED BY ATTORNEY, PAULA PAVLOSKY, AND A HEARING HAVING BEEN HELD,

_____

REASON FOR REVOCATION: FAILURE TO REPORT AS DIRECTED.

_____

(X) Let it be further noted that said probation was revoked on the 9TH day of JANUARY 19 92 for a period of FOUR (4) MONTHS , and was reinstated on probation on the 15TH day of JANUARY , 19 92 , under the conditions of the original Order of Probation.

NOW, THEREFORE, it is ordered and adjudged that the probation provisions in said original sentence be revoked in accordance with Code Section 42-8-38 (Ga. L. 1956, pp. 27,32; Ga. L. 1960, p. 857, Ga. L. 1966, p. 440) and the Defendant is hereby required to serve:

( )   Balance of said sentence.

( )   Balance of said sentence from warrant issued_____ and a return of Non est Inventus having been
       made on _____ in accordance with Sec. 42-8-36 of Statewide Probation Act of 1956 (as amended).

( )   Balance of said sentence, however, upon payment of balance of said fine and/or restitution in the amount of $_____ .
       said sentence shall be suspended.

( )   _____ months/years. Upon service of said _____ , balance of said sentence shall be
       suspended.

( )   _____ months/years. Upon service of said _____ said Defendant shall be rein-
       stated on probation under the conditions of the original Order of Probation dated _____ .

( )   Balance of said sentence concurrently with sentence received in Docket _____ .

( )   Balance of said sentence and service of time is suspended.

( )   _____
       _____
       _____

Said sentence shall be served in the Fulton County Jail, the Public Works Camp or such other place as the Department of Corrections may direct.

(X) It is adjudged by the Court that the defendant is to be continued on probation. from warrant issued 06/30/92
      & a return of Non est Inventus of 07/15/92. Enter and complete the Women's Diversion
      Center Program. Remain in jail pending bed space. Community Service hours are hereby
      deleted. Complete Crack/Cocaine Addiction Program or Drug Dealers Group as deemed
      necessary by probation.

This the 6TH day of AUGUST , 19 92 .

_____
WALTER LOVETT, JR.,   JUDGE

SUPERIOR COURT. A. J. C.

AUG 20 1992

dac

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PETITION FOR REVOCATION OF PROBATION

THE STATE
VS

DOCKET # ___ Z-33536 ___

TONI (YVETTE) TAYLOR

JULY/AUGUST ___ TERM

19 _92_ , ___ SUPERIOR ___ COURT, A. J. C.

NOW COMES ___ PAMELA A. STARRATT ___ , Probation Officer of Fulton County, in the name and behalf of the State of Georgia, and brings this action against ___ TONI (YVETTE) TAYLOR ___ Hereinafter called the Defendant, and shows:

I

That the Defendant entered a plea of guilty to (XXXXXXXXXXXXXX) the offense of ___ VGCSA ___ at the ___ JUNE ___ Term, 19 _91_ .

II

That this Court, on the ___ 21ST ___ day of ___ JUNE ___ , 19 _91_ , did sentence the Defendant to serve as follows: __FIVE (5) YEARS, $250 FINE, $25 PENALTY ASSESSMENT, $25 JAIL__ CONSTRUCTION AND STAFFING ACT, $10 MONTHLY PROBATION FEE, AND PROBATED. DEFENDANT TO GET GED OR HIGH SCHOOL EDUCATION. COMPLETE FORTY (40) HOURS IN A COMMUNITY SERVICE PROJECT. DRUG TESTING AND SCREENING. GET A JOB.

III

That this court, by proper order, however, permitted the Defendant to serve said sentence on probation, the terms and conditions of which are fully set forth in the Order of Probation.

IV

That the Defendant has violated the terms and conditions of probation in the following particulars:

_____

_____

_____

_____

V

WHEREFORE, the State of Georgia prays that the citation for revocation of probation be served on the Defendant and that the Defendant be directed to appear before this court on a day to be fixed by the Court and at that time to show cause why probation should not be revoked.

This the _____ day of _____ , 19 ____ .

_____
PROBATION OFFICER

* *

ORDER

The foregoing Petition read and considered. The same is hereby allowed and ordered filed. Let the Defendant _____ , be brought before me on the _____ day of _____ _____ 19 _____ . at _____ M. in the Fulton County Courthouse for a hearing to determine whether his probated sentence should be revoked as prayed.

Let a copy of the foregoing Petition and this Order be served on the said _____ .

This the _____ day of _____ 19 ___

_____
JUDGE
COURT, A.J.C.

BOOK 23   AGE 850

238

FILED IN OFFICE

OCT 19 1992,

Marla Harris

DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GEORGIA

☐ DA   JAIL ☐

CERTIFICATE OF SERVICE

I have this day served a true and correct copy of the within Rule Nisi upon the named Defendant and handing the same to said Defendant in person.

This the _____ day of _____ , 19 ____ .

_____

DEPUTY SHERIFF - PROBATION OFFICER

* *

TONI (YVETTE) TAYLOR   DOCKET# Z-33536
APB# 359202   **ORDER OF REVOCATION**

WHEREAS, pursuant to notice given to the Defendant, a full hearing was conducted by this Court on the date aforesaid in accordance with Code Section 42-8-38 (Ga. L. 1956, pp. 27, 32; Ga. L. 1960, p. 857, Ga. L. 1966, p. 440) and the Court has adjudged that the terms of probation have been violated in the particulars as set forth in the Petition, unless therein otherwise specified:
HAVING BEEN REPRESENTED BY ATTORNEY, PAULA PAVLOSKY, AND A HEARING HAVING BEEN HELD,

_____

REASON FOR REVOCATION: FAILURE TO REPORT AS DIRECTED.

_____

 (X) Let it be further noted that said probation was revoked on the 9TH day of ___JANUARY___ 19 92 for a period of ___FOUR (4) MONTHS___ , and was reinstated on probation on the 15TH day of ___JANUARY___ , 19 92 , under the conditions of the original Order of Probation.

 NOW, THEREFORE, it is ordered and adjudged that the probation provisions in said original sentence be revoked in accordance with Code Section 42-8-38 (Ga. L. 1956, pp. 27,32; Ga. L. 1960, p. 857, Ga. L. 1966, p. 440) and the Defendant is hereby required to serve:

( ) Balance of said sentence.

( ) Balance of said sentence from warrant issued_____ and a return of Non est Inventus having been made on _____ in accordance with Sec. 42-8-36 of Statewide Probation Act of 1956 (as amended).

( ) Balance of said sentence, however, upon payment of balance of said fine and/or restitution in the amount of $_____ . said sentence shall be suspended.

( ) _____ months/years. Upon service of said _____ , balance of said sentence shall be suspended.

(X) FOUR (4)_____ months/~~years~~ Upon service of said __FOUR(4) MONTHS__ said Defendant shall be reinstated on probation under the conditions of the original Order of Probation dated _____06/21/91_____ .

( ) Balance of said sentence concurrently with sentence received in Docket _____ .

( ) Balance of said sentence and service of time is suspended.

(X) A PREVIOUS REVOCATION HEARING WAS HELD ON 08/06/92 AND THE DEFENDANT WAS CONTINUED ON PROBATION FROM WARRANT DATE 06/30/92 AND NON EST INVENTUS DATE 07/15/92. DEFENDANT WAS ORDERED TO COMPLETE THE WOMEN'S DIVERSION CENTER PROGRAM AND CRACK/COCAINE ADDICTION PROGRAM OR DRUG DEALERS GROUP AS DEEMED NECESSARY BY PROBATION. *

Said sentence shall be served in the Fulton County Jail, the Public Works Camp or such other place as the Department of Corrections may direct. *CREDIT FOR TIME SERVED SINCE 09/02/92.   SENTENCE TO BE SERVED IN FULTON COUNTY JAIL. COMPLETE CRACK COCAINE ADDICTION PROGRAM AND/OR DRUG DEALERS PROGRAM AS DIRECTED BY PROBATION.

( ) It is adjudged by the Court that the defendant is to be continued on probation.

_____

_____

_____

This the __24TH__ day of ___SEPTEMBER___ , 19 92 .

_____
WALTER LOVETT, JR.,   JUDGE

SUPERIOR COURT, A.J.C.

dac OCT 2 0 1992

2368 PAGE 094

PETITION FOR REVOCATION OF PROBATION

THE STATE
VS
TONI (YVETTE) TAYLOR

DOCKET # ___ Z-33536 ___

____ SEPTEMBER/OCTOBER ____ TERM

19 _92_ , ___ SUPERIOR ___ COURT, A. J. C.

NOW COMES ___ PAMELA A. STARRATT ___ , Probation
Officer of Fulton County, in the name and behalf of the State of Georgia, and brings this action against
___ TONI (YVETTE) TAYLOR ___ Hereinafter called the Defendant, and shows:

I

That the Defendant entered a plea of guilty to (xxxxxxxxxxxxxxx) the offense of ___ VGCSA ___
____ at the ___ JUNE ___ Term, 19 _91_ .

II

That this Court, on the ___ 21ST ___ day of ___ JUNE ___ , 19 _91_ , did sentence the
Defendant to serve as follows: _FIVE (5) YEARS, $250 FINE, $25 PENALTY ASSESSMENT, $25 JAIL_
CONSTRUCTION AND STAFFING ACT, $10 MONTHLY PROBATION FEE, AND PROBATED.

III

That this court, by proper order, however, permitted the Defendant to serve said sentence on probation, the
terms and conditions of which are fully set forth in the Order of Probation.

IV

That the Defendant has violated the terms and conditions of probation in the following particulars:

_____

_____

_____

_____

V

WHEREFORE, the State of Georgia prays that the citation for revocation of probation be served on the Defen-
dant and that the Defendant be directed to appear before this court on a day to be fixed by the Court and at that
time to show cause why probation should not be revoked.

This the _____ day of _____ , 19____ .

_____
PROBATION OFFICER

* *

ORDER

The foregoing Petition read and considered. The same is hereby allowed and ordered filed. Let the Defen-
dant _____ , be brought before me on the _____ day of _____
_____ 19____ , at _____ M. in the Fulton County Courthouse for a hearing to deter-
mine whether his probated sentence should be revoked as prayed.

Let a copy of the foregoing Petition and this Order be served on the said _____ .

This the_____ day of _____ 19____

_____
JUDGE
COURT, A.J.C.

2368 PAGE 095

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AFFIDAVIT AND WARRANT FOR ARREST OF PROBATIONER

STATE OF GEORGIA   FULTON COUNTY SUPERIOR   COURT
       VS.   NUMBER: Z33536
                        CHARGE: VGCSA

TONI TAYLOR   MN:YVETTE

GEORGIA, FULTON COUNTY
    Personally appeared   ROBERT Y. JONES   , who, being duly
sworn on oath deposes and says that   TONI TAYLOR   was
placed on probation by this Court on the   21st   day of   JUNE   19 91±,
upon the charge of   VGCSA

and that to the best of affiant's knowledge and belief said defendant has since violated the terms of probation in the following manner: FAILURE TO REPORT AND PAY AS DIRECTED BY THE COURT.

    That affiant makes this affidavit for the purposes of obtaining a warrant for the arrest of said probationer in order that (he/or she) may be returned to this Court to answer this charge of violation of probation.

Sworn to and subscribed before me this   _Robert Y Jones_

   9th   day of   FEBRUARY   19 93 .   ROBERT Y. JONES

        Notary Public

GEORGIA, FULTON COUNTY
TO ALL AND SINGULAR THE SHERIFFS, DEPUTY SHERIFFS, AND ALL OTHER DULY CONSTITUTED ARRESTING OFFICERS.
Affidavit having been made that the above named defendant has violated the terms of probation, you are hereby commanded to arrest said defendant, to safely keep (him or her) until (he or she) may be brought before this Court to answer the charge of violation of probation as set forth in the foregoing affidavit.

THE SENTENCE OF THE DEFENDANT IS HEREBY TOLLED UNDER THE PROVISIONS OF OCGA SEC. 42-8-36 (a), AND THE SIGNING OF THIS ORDER.

This the   12th   day of   Feb   19 93.   _Elizabeth E Long_

                                      JUDGE, ELIZABETH E. LONG
                                      SUPERIOR   COURT OF FULTON COUNTY

GEORGIA, FULTON COUNTY:
DILIGENT SEARCH MADE AND DEFENDANT, _____
NOT TO BE FOUND IN THE JURISDICTION OF SAID COURT.

THIS _____ DAY OF _____ 19 ____

                                                   BOOK 3761 PAGE 597

_____
DEPUTY SHERIFF — PROBATION OFFICER

FILED IN OFFICE

MAR 3 1994
Martha Nolen
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA

Original Never Received in
Criminal Division. M. Nolan

Using As orig

MAR 9 1994 PV

DOCKET NO.

STATE OF GEORGIA
COUNTY OF _____
STATE
VS.

Soc. Sec. # _____
Date of Birth: B/5/__
Race __B__ Sex __F__ Hgt. 5'1 Wt. 115
FP # _____ APB# 359202
Expiration Date: 5/2/2006

AUTHORITY TO ARREST
Received _____ 19 ___
Executed _____ 19 ___
By _____
Title _____

10-126-585

FULTON_COUNTY_0027

CERTIFICATE OF SERVICE

I have this day served a true and correct copy of the within Rule Nisi upon the named Defendant by hand-ing the same to said Defendant in person.

* *

TONI TAYLOR @PAMELA JONES   Docket# Z-33536
APB#359202   **ORDER OF REVOCATION**

WHEREAS, pursuant to notice given to the Defendant, a full hearing was conducted by this Court on the date aforesaid in accordance with Code Section 42-8-38 (Ga. L. 1956, pp. 27, 32; Ga. L. 1960, p. 857, Ga. L. 1966, p. 440) and the Court has adjudged that the terms of probation have been violated in the particulars as set forth in the Petition, unless therein otherwise specified:

The defendant Pamela Jones @Toni Taylor having been sentenced in Superior Court on 1-7-94 for the offense of Robbery Docket# Z-59083 and receiving three (3) years to serve 18 months, balance suspended. The defendant and her attorney Andrei Howze having waived formal notice and a hearing having been held.

** (X) Let it be further noted that said probation was revoked on the 1st day of __September__ 19 92 for a period of __four (4) months__ , and was reinstated on probation on the 15th day of __January__ , 19 92 , under the conditions of the original Order of Probation.

NOW, THEREFORE, it is ordered and adjudged that the probation provisions in said original sentence be revoked in accordance with Code Section 42-8-38 (Ga. L. 1956, pp. 27,32; Ga. L. 1960, p. 857, Ga. L. 1966, p. 440) and the Defendant is hereby required to serve:

( ) Balance of said sentence.

(X) ~~Balance~~ 18 months of said sentence from warrant issued __2-12-93__ and a return of Non est Inventus having been made on __2-12-93__ in accordance with Sec. 42-8-36 of Statewide Probation Act of 1956 (as amended).

( ) Balance of said sentence, however, upon payment of balance of said fine and/or restitution in the amount of $_____ , said sentence shall be suspended.

(X) __Eighteen (18)__ months/~~years~~. Upon service of said __eighteen months__ , balance of said sentence shall be suspended.

(-) _____ months/years. Upon service of said _____ said Defendant shall be rein-stated on probation under the conditions of the original Order of Probation dated _____ .

( ) Balance of said sentence concurrently with sentence received in Docket _____ .

( ) Balance of said sentence and service of time is suspended.

( ) _____
_____
_____

Said sentence shall be served in the Fulton County Jail, the Public Works Camp or such other place as the Department of Corrections may direct.

**(X) A subsequent hearing was held on 8-6-92 and the defendant was continued on probation from the warrant dated 6-30-92 and Non est Inventus dated 7-15-92. An additional hearing was held on 9-24-92 and the defendant was revoked four (4) months and was reinstated on probation on 1-2-93.

FILED IN OFFICE

JAN 2 8 1994

Cheryl Anderson

DEPUTY CLERK, SUPERIOR COURT

This the __7th__ day of ____January____ , 19 __94__ .

ELIZABETH E. LONG   JUDGE

SUPERIOR   BOOK   PAGE COURT, A. J. C.

02494 - 804

MAR 2 1 1994

MJ/cs

245

PETITION FOR REVOCATION OF PROBATION

THE STATE
VS

TONI TAYLOR @PAMELA JONES

DOCKET # _____ Z-33536 _____

_____ January–February _____ TERM

19 94 , Superior _____ COURT, A. J. C.

NOW COMES _____ , Probation
Officer of Fulton County, in the name and behalf of the State of Georgia, and brings this action against

TONI TAYLOR @PAMELA JONES _____ Hereinafter called the Defendant, and shows:

I

That the Defendant entered a plea of guilty to (w̶a̶s̶ ̶c̶o̶n̶v̶i̶c̶t̶e̶d̶ ̶o̶f̶) the offense of_____ VGCSA _____
_____ at the _May–June_____ Term, 19 _91_ .

II

That this Court, on the _21st_ day of _____ June _____ , 19 _91___ , did sentence the
Defendant to serve as follows: _5 years probation. $250FN, $25PA, $25JCSA, $10MPF. Defendant to_
get GED or high school education. Defendant to complete 40 hours of community service.
Drug testing and screening. Defendant to get a job. _____

III

That this court, by proper order, however, permitted the Defendant to serve said sentence on probation, the
terms and conditions of which are fully set forth in the Order of Probation.

IV

That the Defendant has violated the terms and conditions of probation in the following particulars:

_____

_____

_____

_____

V

WHEREFORE, the State of Georgia prays that the citation for revocation of probation be served on the Defen-
dant and that the Defendant be directed to appear before this court on a day to be fixed by the Court and at that
time to show cause why probation should not be revoked.

This the _____ day of _____ , 19____ .

_____
PROBATION OFFICER

* *

ORDER

The foregoing Petition read and considered. The same is hereby allowed and ordered filed. Let the Defen-
dant _____ , be brought before me on the _____ day of _____
_____ 19 _____ , at _____ M. in the Fulton County Courthouse for a hearing to deter-
mine whether his probated sentence should be revoked as prayed.

Let a copy of the foregoing Petition and this Order be served on the said _____ .

This the _____ day of _____ 19___ .

_____
JUDGE
COURT, A.J.C.

BOOK   PAGE

02494 - 805

10-013-181

247

AFFIDAVIT OF CUSTODIAN

Georgia, Fulton County.

I, the undersigned custodian of the defendant, do swear and affirm that the following is true and correct to the best of my knowledge.
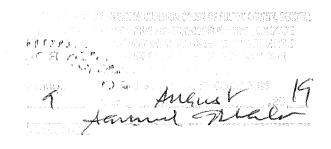
jones, pamela @ smith, tina @ taylor, toni yvette
_____
Name of defendant

z33536

was confined on case number(s) _____ on the following dates:

Entered __4-20-91__ Departed __6-22-91__ Reason __Yurb__

Entered __10-15-91__ Departed __1-15-92__ Reason __Yurb__

Entered __7-21-92__ Departed __8-24-92__ Reason __Crit prob__

Entered __9-2-92__ Departed __12-22-92__ Reason __Cnt prob__

__11-4-93__   __1-25-94__   __Metro CC__

The defendant spent a total of __301__ days in jail, Central State Hospital, or other institution prior to date sentence was imposed.

COMMENTS: _____

_____

_____

RICHARD B. LANKFORD, Sheriff
Fulton County, Georgia

J. H. GREEN
TRANSFER SGT.
_____

••

Georgia, Fulton County.

I, the undersigned Deputy Clerk of the Superior State Court, in and for said county, do hereby certify that the above is a true and complete copy of the affidavit of custodian, a part of the official record of the trial of said defendant, as appears of record and from the minutes of said court.

Given under my official signature and the seal of said

FILED IN OFFICE

court this ___1___ day of _____ APR ___ 1994

APR 05 1994

DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA
□ DA   JAIL □

Deputy Clerk

BOOK 3789 PAGE 327

(Seal)

(Authority: Ga. L. 1956, pp. 161, 171 as amended (Ga. code ann. sec. 77-309); Ga. L. 1970, pp. 692-693)

34-154-187

248

249

WARRANT CANCELLATION NOTICE

Name: _Taylor, Toni_   Indictment #: _Z 33536_

(Use indicted name in lowest indictment number when probated cases involve multiple indictments.)

Alias _Toni Yvette Taylor_

Alias _____

Name: _____   Indictment #: _____

(Indicted name on second indictment when probated cases involve multiple indictments.)

Alias _____

Alias _____

Name: _____   Indictment #: _____

Alias _____

D.O.B. ██/5/█   Race _Black_   Sex _female_

Fingerprint # _APB 359202_

Placed By:

Atlanta Judicial Circuit
160 Pryor Street, Room 300
Atlanta, GA 30335

Officer _John Paul Knith_   Unit _Court Service_
for _Rob Jones_
(PLEASE PRINT)

Phone _656 - 5113_

Signature _____   Date _3-16-94_

BOOK 3771 PAGE 990

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FINAL DISPOSITION   SC-6

IN THE SUPERIOR COURT OF FULTON COUNTY   FINAL DISPOSITION

STATE OF GEORGIA   CRIMINAL ACTION NO. Z 33536

VS.   OFFENSE(S) _____

Toni Taylor   _VGCSA_

                                         May-June _____ TERM, 19 _91_

☑ **PLEA:**   ☐ JURY   ☐ VERDICT: ☐ OTHER DISPOSITION
☑ NEGOTIATED   ☐ NON-JURY ☐ GUILTY ON   ☐ NOLLE PROSEQUI ORDER ON
☐ GUILTY ON COUNT(S) _____   COUNT(S)_____   COUNT(S)_____
☐ NOLO CONTENDERE ON   ☐ NOT GUILTY ON   ☐ DEAD DOCKET ORDER ON
COUNT(S)_____   COUNT(S)_____   COUNT(S)_____
☐ TO LESSER INCLUDED   ☐ GUILTY OF INCLUDED   (SEE SEPARATE ORDER)
OFFENSE(S) _____   OFFENSE(S) OF _____
ON COUNT(S)_____   ON COUNT(S)_____
☑ DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURT'S SENTENCE REVIEW PANEL

☑ FELONY SENTENCE   ☐ MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense. WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of _____ _Five(5)years_ _____

in the State Penal System or such other institution as the Commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law. HOWEVER, it is further ordered by the Court
☑ 1) THAT the above sentence may be served on probation
☐ 2) THAT upon service of _____ the above sentence, the remainder of _____ may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.
☐ 3) THAT the above sentence be suspended.

☐ GENERAL CONDITIONS OF PROBATION

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation:
☐ 1) Do not violate the criminal laws of any governmental unit.
☐ 2) Avoid injurious and vicious habits - especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
☐ 3) Avoid persons or places of disreputable or harmful character.
☐ 4) Report to the Probation-Parole Supervisor as directed and permit such Supervisor to vist him (her) at home or elsewhere.
☐ 5) Work faithfully at suitable employment insofar as may be possible.
☐ 6) Do not change his (her) place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
☐ 7) Support his (her) legal dependants to the best of his (her) ability.
☐ 8) Probationer shall, from time to time upon oral or written request by any Probation Officer, produce a breath, urine, and/or blood specimen for analysis for the possible presence of a substance prohibited or controlled by any law of the State of Georgia or of the United States.

Deft get G.E.D or high school education   ☑ OTHER CONDITIONS OF PROBATION
IT IS FURTHER ORDERED that the defendant pay a fine in the amount of $ _250.00_ plus $50 or 10%, whichever is less pursuant to O.C.G.A 15-21-70 plus 10% of the original fine pursuant to O.C.G.A. 15-21-90 and pay restitution in the amount of $ _____ Probation Fee $ _10.00 month_ and Court Costs $ _____

Defendant complete 40 hours community service.
Drug testing and screening. Deft get a job.

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable _Steven Purvis_ _____ Attorney at Law (Employment) (Appointment)

So ordered this _21st_ day of _June_ 19 _91_ _____
Court Reporter: _Laura Lanning_   _____ Judge, Fulton Superior Court

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Sentence of Probation has been delivered in person to the defendant and he/she instructed regarding the conditions as set forth above.
This _21_ day of _June_ 19 _91_ _J Warren White_ _____
                                                       Probation Officer
Copy received and instructions regarding conditions acknowledge.
This _21_ day of _June_ 19 _91_ _Toni Y. Taylor_ _BOOK 2224 PAGE 899_
                                                       Probationer
White - Clerk   Goldenrod - Defendant   Pink - Probation Office   **FULTON_COUNTY_0036** 6b-31-1287

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA	)	CRIMINAL ACTION
V.	)	
TONI TAYLOR	)	FILE NO. Z-33536

TRANSCRIPT OF PROCEEDINGS BEFORE THE
HONORABLE WALTER LOVETT, JR., ATLANTA JUDICIAL CIRCUIT,
ON SEPTEMBER 24TH, 1992, AT ATLANTA, GEORGIA.

APPEARANCES:

    FOR THE STATE: PAMELA STARRATT
                                   VERONICA COX

    FOR THE DEFENDANT: PAULA PAVLOSKY
                                   STEVE PHILLIPS
                                   INDIGENT DEFENSE TEAM

ELYNE R. LOUIS, CCR
CERTIFIED COURT REPORTER
5202 CHAMBLEE DUNWOODY ROAD
DUNWOODY, GEORGIA 30338

FILED IN OFFICE

AUG 02 1993
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA

254

1   SEPTEMBER 24TH, 1992

2   THE COURT: NUMBER FORTY-EIGHT, TONI

3   TAYLOR.

4   MS. STARRATT: YOUR HONOR, THIS IS MS.

5   TONI TAYLOR. SHE WAS BEFORE THE COURT ON JUNE THE

6   21ST, 1991, FOR THE CHARGE OF Z-33536, VIOLATION

7   GEORGIA CONTROLLED SUBSTANCES ACT.

8   SHE WAS SENTENCED TO FIVE YEARS PROBATION

9   AND SHE WAS ORDERED TO GET HER HIGH SCHOOL DIPLOMA

10   AND TO COMPLETE FORTY HOURS OF COMMUNITY SERVICE,

11   HAVE DRUG SCREENS AND TREATMENT, AND BECOME

12   EMPLOYED.

13   WE HAD A REVOCATION HEARING ON AUGUST THE

14   6TH, 1992, AND AT THAT TIME YOU CONTINUED ALL

15   PROBATION WITH THE SPECIAL CONDITION THAT SHE

16   COMPLETE THE WOMEN'S DIVERSION CENTER AND THAT SHE

17   COMPLETE THE CRACK COCAINE AND DEALERS' PROGRAM.

18   SHE WAS IN THE WOMEN'S DIVERSION CENTER

19   FOR A PERIOD OF TWO WEEKS. SHE WAS BROUGHT BACK TO

20   FULTON COUNTY JAIL. SHE ENTERED THE FULTON COUNTY

21   JAIL SEPTEMBER THE 2ND, 1992, BECAUSE OF NEW

22   CHARGES, ACCUSATION NUMBER 121557.

23   THE COURT: THOSE CHARGES ARE THINGS THAT

24   HAPPENED AFTER SHE LEFT THE DIVERSION CENTER?

25   MS. STARRATT: YES, SIR. SHE WAS IN THE

2

1   DIVERSION CENTER AND THEN SHE GOT ARRESTED FOR NEW

2   CHARGES. SHE HAS RECEIVED TIME SERVED SINCE

3   SEPTEMBER THE 14TH, 1992.

4   RECOMMENDATION IS TO REVOKE FIVE MONTHS

5   AND REINSTATE THE BALANCE AND GIVE HER CREDIT FOR

6   TIME SERVED SINCE SEPTEMBER THE 2ND.

7   MS. PAVLOSKY: YOUR HONOR, MS. TAYLOR

8   WANTS TO ADDRESS THE COURT. SHE DOESN'T FEEL THAT

9   SHE SHOULD HAVE FIVE MONTHS TO SERVE IN THIS CASE.

10   SHE FEELS THAT SHE SHOULD GET CREDIT BACK FROM HER

11   ORIGINAL INCARCERATION HERE PRIOR TO GOING TO THE

12   DIVERSION CENTER, AND SHE WOULD LIKE TO ADDRESS

13   YOUR HONOR REGARDING THAT.

14   THE COURT: OKAY. MS. TAYLOR.

15   MS. TAYLOR: WHEN I WAS IN STATE COURT ON

16   THAT NEW CHARGE I DIDN'T KNOW I WAS GIVING UP MY

17   RIGHTS FOR -- I THOUGHT SHE SAID TIME SERVED, IF I

18   PLEADED GUILTY IT WOULD BE TIME SERVED. AND I TOLD

19   HER I WAS ON PROBATION. YOU THE ONE WHO --

20   THE COURT: -- DID THE SENTENCING?

21   MS. TAYLOR: UH-HUH.

22   THE COURT: NO. THAT WAS JUDGE MATHER WHO

23   LOOKS LIKE ME, BUT IT'S NOT ME.

24   MS. TAYLOR: OH.

25   THE COURT: WE BOTH HAVE BEARDS.

3

1   MS. TAYLOR: I'M SORRY.

2   THE COURT: THAT'S JUDGE MATHER, ISN'T IT?

3   MS. TAYLOR: SO YOUR NAME IS JUDGE LOVETT.

4   THE COURT: YES, DIFFERENT JUDGE.

5   MS. TAYLOR: JUDGE LOVETT, I HAVE FOUR

6   KIDS AND MY MOM IS SUPPOSE TO GO INTO THE HOSPITAL.

7   THE COURT: THE PROBLEM IS YOU SHOULDN'T

8   HAVE LEFT THE DIVERSION CENTER.

9   MS. TAYLOR: I DIDN'T LEAVE. I DIDN'T

10   LEAVE THE DIVERSION CENTER. I WAS ON MY WAY FROM

11   WORK AND I HAD MISSED MY BUS WHILE I WAS TALKING TO

12   MR. MCCALL ON THE PHONE. AND I WAS WALKING DOWN THE

13   STREET --

14   THE COURT: YEAH, WAIT A MINUTE.

15   MS. TAYLOR: AND I WAS TRYING TO GET TO

16   THE CENTER BEFORE I BE LATE, AND I GOT INTO

17   SOMEONE'S CAR. BUT IS THERE ANY WAY -- YOU CAN'T

18   GIVE ME CREDIT FOR SOME OF MY TIME?

19   THE COURT: WHEN DID SHE COME HERE

20   ORIGINALLY?

21   MS. TAYLOR: I'M SAYING THE MONTH THAT I

22   DONE.

23   MS. STARRATT: TWO WEEKS.

24   MS. TAYLOR: BUT I WAS IN FULTON COUNTY IN

25   JULY.

4

1   MS. PAVLOSKY: THE LAST REVOCATION HEARING

2   WAS AUGUST 6TH. I SHOW HERE IN AUGUST THAT --

3   THE COURT: WELL, THAT'S TWO WEEKS --

4   BASICALLY THREE WEEKS. WELL, LET'S JUST MAKE IT

5   FOUR MONTHS.

6   MS. TAYLOR: I'LL TAKE THAT.

7   THE COURT: THAT'S TWO MONTHS. I'M NOT

8   GOING TO GO BACK TO JULY. I'LL GO FROM SEPTEMBER

9   2ND.

10   MS. TAYLOR: SO WHEN WAS MY RELEASE DATE?

11   THE COURT: NO -- FROM SEPTEMBER 2ND.

12   MS. STARRATT: FOUR MONTHS?

13   THE COURT: I'LL MAKE IT FOUR MONTHS FROM

14   SEPTEMBER 2ND.

15   MS. STARRATT: SHE HAD THREE YEARS AND

16   NINE MONTHS. YOU WANT TO SUSPEND THE BALANCE?

17   THE COURT: ISN'T THAT WHAT YOU SAID?

18   MS. STARRATT: NO. WE ASK THAT YOU

19   REINSTATE THE BALANCE.

20   THE COURT: ALL RIGHT, MS. TAYLOR. SO I'LL

21   REVOKE FOUR MONTHS OF YOUR PROBATION AND REINSTATE

22   THE BALANCE AND GIVE YOU CREDIT FOR TIME SERVED

23   SINCE SEPTEMBER THE 2ND, 1992. AFTER YOU COMPLETE

24   THE FOUR MONTHS YOU HAVE TO REPORT BACK TO

25   PROBATION AND IF YOU FAIL TO DO SO THEY WILL ISSUE

5

1   A WARRANT FOR YOUR ARREST - -

2   MS. TAYLOR: WELL, WHEN WILL MY RELEASE

3   DATE --

4   MS. PAVLOSKY: -- JANUARY 1ST.

5   THE COURT: WELL, NOW, YOU'VE GOT TO

6   LISTEN TO ME. AFTER YOU GO BACK ON PROBATION I WANT

7   YOU TO DO THE CRACK COCAINE ADDICTION PROGRAM AND

8   FOLLOW ALL THE RULES AND REGULATIONS OF THAT

9   PROGRAM. THE FOUR MONTHS ARE TO BE SERVED HERE IN

10   THE FULTON COUNTY JAIL. SO IT'S JANUARY 1ST.

11   MS. TAYLOR: OKAY. THANK YOU.

12   MS. PAVLOSKY: THANK YOU, YOUR HONOR.

13   MS. STARRATT: THANK YOU, YOUR HONOR.

14

15   (HEARING CONCLUDED)

6

CERTIFICATE

STATE OF GEORGIA
COUNTY OF FULTON

       I, ELYNE R. LOUIS, CERTIFIED COURT
REPORTER FOR THE FULTON SUPERIOR COURT, HEREBY
CERTIFY THAT THE FOREGOING REPRESENTS A TRUE,
ACCURATE, AND COMPLETE TRANSCRIPT OF THE
PROCEEDINGS IN THE WITHIN-STYLED ACTION. THIS THE
15TH DAY OF JUNE, 1993.

                      ELYNE R. LOUIS, CCR-B-993

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        IN THE SUPERIOR COURT OF FULTON COUNTY

              STATE OF GEORGIA

7   STATE OF GEORGIA   :
                          :   CRIMINAL ACTION

8   V.   :
                          :   FILE NO. Z-33536

9   TONI TAYLOR   :
                          :

10

11

12   TRANSCRIPT OF PROCEEDINGS BEFORE THE HON. WALTER
LOVETT, JR., JUDGE, ATLANTA JUDICIAL CIRCUIT, ON JANUARY 9,

13   1992, AT ATLANTA, GEORGIA.

14

15

16   APPEARANCES:

17   FOR THE STATE: PAMELA STARRATT
                            PROBATION OFFICER

18

19   FOR THE DEFENDANT: PAULA PAVLOSKY, ESQ.
                            INDIGENT DEFENSE TEAM

20

21

   SUSAN A. NORTHINGTON, RPR
22 OFFICIAL COURT REPORTER
   505 FULTON COUNTY COURTHOUSE
23 ATLANTA, GEORGIA 30303

24

25

FILED IN OFFICE

JAN 14 1992

DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY GEORGIA

273

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 1

 2                          PROCEEDINGS

 3    JANUARY 9, 1992

 4                            (THE FOLLOWING PROCEEDINGS

 5                       CONTINUED IN OPEN COURT.)

 6           THE COURT:   OKAY.  WHO ELSE WE GOT?

 7           HOW ABOUT TONI TAYLOR, NUMBER 81?  OKAY.

 8           MS. STARRATT:   YOUR HONOR, THIS IS MS.

 9    TAYLOR.  SHE WAS BEFORE THE COURT ON JUNE 21ST,

10    1991, FOR THE CHARGE OF Z-33536, VIOLATION OF

11    GEORGIA CONTROLLED SUBSTANCES ACT.

12           SHE WAS SENTENCED TO FIVE YEARS PROBATION,

13    ORDERED TO COMPLETE FORTY HOURS OF COMMUNITY

14    SERVICE.  SHE NEVER REPORTED.  SHE HAS COMPLETED

15    ZERO HOURS OF COMMUNITY SERVICE.

16           WE ISSUED A WARRANT FOR HER ARREST OCTOBER

17    21, 1991.

18           WE HAVE FOUR YEARS AND EIGHT MONTHS

19    REMAINING.  SHE WAS ARRESTED OCTOBER 15, 1991,

20    BECAUSE OF OUR PROBATION WARRANT.

21           THE COURT:   WHAT DATE?

22           MS. STARRATT:   OCTOBER 15TH.

23           THE COURT:   OKAY.

24           MS. STARRATT:   SHE HAD NEW CHARGES THAT

25    WERE ALL DISMISSED OCTOBER 30TH, 1991.
```

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1   SHE HAS A HOLD FOR DEKALB COUNTY.

2   THE RECOMMENDATION IS TO REVOKE FIVE MONTHS,

3   REINSTATE THE BALANCE, GIVE HER CREDIT FOR ALL

4   TIME SERVED SINCE OCTOBER 15TH.

5   (PAUSE IN THE PROCEEDINGS.)

6   MS. PAVLOSKY: YOUR HONOR, WE STIPULATE TO

7   THOSE FACTS AND ASK THAT YOU ACCEPT THAT

8   RECOMMENDATION.

9   THE COURT: THERE IS NO HOLD?

10   THE SHERIFF: YOUR HONOR, WE HAVE SO MANY

11   PEOPLE BACK THERE, I DON'T KNOW WHETHER THERE IS

12   OR NOT.

13   THE COURT: DO YOU HAVE A HOLD IN DEKALB

14   COUNTY?

15   THE DEFENDANT: I WENT TO DEKALB COUNTY. I

16   BEEN OVER THERE SIX WEEKS. I JUST GOT BACK LAST

17   MONDAY. THEY DIDN'T NEVER TAKE ME TO COURT. THEY

18   FOUND OUT THIS NAME WASN'T ME.

19   MS. PAVLOSKY: SO SHE WAS LOANED OUT AND

20   CAME BACK. IT SHOWS THAT SHE WAS LOANED OUT TO

21   DEKALB, RIGHT?

22   THE SHERIFF: WHAT'S YOUR BOOKING NUMBER?

23   THE DEFENDANT: 918 344 7.

24   (PAUSE IN THE PROCEEDINGS.)

25   (DISCUSSION OFF THE

263

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1	RECORD.)
2	MS. STARRATT: THESE ARE HERS.
3	THE COURT: WHAT, THE NEW CHARGES HAVE NOT
4	BEEN RESOLVED?
5	THE SHERIFF: NO.
6	MS. PAVLOSKY: THE CHARGES IN DEKALB?
7	THE SHERIFF: I'M TALKING ABOUT HERE.
8	MS. STARRATT: THEY WERE NOT PRESENTED TO
9	THE GRAND JURY.
10	THE SHERIFF: THAT'S NOT TRUE, EITHER.
11	THAT'S IN ERROR. THEY WERE BOUND OVER TO STATE
12	COURT.
13	MS. PAVLOSKY: SHE HASN'T GONE TO COURT YET
14	ON THEM.
15	THE SHERIFF: WHAT HAPPENS IS -- I'M NOT
16	TRYING TO INTERRUPT.
17	THE COURT: OFF THE RECORD.
18	(DISCUSSION OFF THE
19	RECORD.)
20	MS. STARRATT: YOUR HONOR, LET'S REVOKE
21	FIVE MONTHS, REINSTATE THE BALANCE, GIVE HER
22	CREDIT FOR TIME SERVED.
23	THE COURT: DO YOU HAVE ANY PROBLEM WITH
24	THAT?
25	MS. PAVLOSKY: YOUR HONOR, THIS IS ONE OF

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 1        MS. HARRIS' CASES, IT WAS STIPULATED FOR THE FIVE

 2        MONTHS, CREDIT FROM OCTOBER 15TH.

 3              MS. STARRATT:   I HAVE NO PROBLEM WITH

 4        THAT.

 5              THE SHERIFF:   I'LL PERSONALLY MYSELF GET

 6        HER IN STATE COURT, YOUR HONOR.

 7              THE COURT:   OKAY.  AND THE NEW CHARGES SHE

 8        HAS ARE JUST THOSE STATE COURT CHARGES.   AND

 9        DEKALB COUNTY HAS BEEN TAKEN CARE OF?

10              THE SHERIFF:   I ASSUME.

11              THE COURT:   LET'S REVOKE FOUR MONTHS,

12        REINSTATE THE BALANCE.

13              MS. STARRATT:   YOUR HONOR, SHE WOULD NOT BE

14        ELIGIBLE FOR ANY ALTERNATIVE BECAUSE SHE HAS

15        PENDING NEW CHARGES.

16              MS. PAVLOSKY:   SHE SHOULDN'T HAVE PENDING

17        NEW CHARGES, YOUR HONOR.

18              IF THESE ARE MISDEMEANOR CASES, SHE SHOULD

19        HAVE GONE TO COURT TWO WEEKS AFTER SHE WAS BOUND

20        OVER.   SHE'S BEEN HERE SINCE OCTOBER 15.

21              THE COURT:   SHE'S BEEN HERE A LONG TIME

22        BEFORE WE GOT TO THIS POINT.

23              OKAY.   REVOKE FOUR MONTHS, REINSTATE THE

24        BALANCE, CREDIT FOR TIME SERVED SINCE OCTOBER 15,

25        1991.
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1              THAT FOUR MONTHS IS TO BE SERVED HERE IN THE

2      FULTON COUNTY JAIL.

3              MS. PAVLOSKY:   THANK YOU, YOUR HONOR.

4              THE SHERIFF:   DID YOU SAY REINSTATE THE

5      BALANCE, YOUR HONOR?

6              THE COURT:   YES.

7              MS. TAYLOR, I WOULD LIKE TO ADVISE YOU THAT

8      AFTER YOU COMPLETE THE FOUR MONTHS, IT IS

9      NECESSARY FOR YOU TO REPORT BACK TO PROBATION.  IF

10     YOU FAIL TO REPORT BACK TO PROBATION, THEY'LL

11     ISSUE A WARRANT FOR YOUR ARREST.

12             DO YOU UNDERSTAND THAT?

13             THE DEFENDANT:   YES.

14             THE COURT:   IF YOU FAIL TO COMPLY WITH WHAT

15     THE PROBATION OFFICER TELLS YOU TO DO, THEY'LL

16     ISSUE A WARRANT FOR YOUR ARREST.

17             DO YOU UNDERSTAND THAT?

18             THE DEFENDANT:   YES.

19             THE COURT:   IT DID NOT TAKE YOU ANYTIME TO

20     GET OUT OF THE COURTHOUSE AND GET BACK IN

21     TROUBLE.  IF THAT HAPPENS AGAIN, YOU ARE GOING TO

22     THE PENITENTIARY.

23             DO YOU UNDERSTAND THAT?

24             THE DEFENDANT:   YES.

25             THE COURT:   OKAY.
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 1              MS. STARRATT:  THANK YOU, YOUR HONOR.

 2                             (PROCEEDINGS CONCLUDED.)

 3

 4

 5

 6                          CERTIFICATE

 7

 8      STATE OF GEORGIA

 9      COUNTY OF FULTON

10

11              I, SUSAN A. NORTHINGTON, OFFICIAL COURT

12      REPORTER FOR FULTON SUPERIOR COURT, HEREBY CERTIFY

13      THAT THE FOREGOING REPRESENTS A TRUE, ACCURATE,

14      AND COMPLETE TRANSCRIPT OF THE PROCEEDINGS IN THE

15      WITHIN-STYLED ACTION, JANUARY 10, 1992.

16

17

18      _____

19              SUSAN A. NORTHINGTON, RPR, CCR A-464,

20              OFFICIAL COURT REPORTER, SUPERIOR COURT

21              OF FULTON COUNTY, ATLANTA JUDICIAL CIRCUIT

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1   IN THE SUPERIOR COURT OF FULTON COUNTY
                   STATE OF GEORGIA

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    STATE OF GEORGIA   )

5   )
        VS.   )   CRIMINAL ACTION NO. Z-33536

6   )
    TONI TAYLOR   )

7

8

9

10   TRANSCRIPT OF PLEA PROCEEDINGS BEFORE THE
   HONORABLE LEAH SEARS-COLLINS, COMMENCING ON JUNE 21, 1991,

11   ATLANTA, GEORGIA.

12

13

    APPEARANCES OF COUNSEL:

14

15   FOR THE STATE: LEE GRANT,
                            ASSISTANT DISTRICT ATTORNEY

16
        FOR THE DEFENDANT: STEVEN PURVIS,

17   ASSISTANT PUBLIC DEFENDER

18

19

20

21   **FILED IN OFFICE**

22   LAURIE LANNING   **AUG 2 6 1991**
           OFFICIAL COURT REPORTER
23   ROOM 809, FULTON COUNTY COURTHOUSE DEPUTY CLERK SUPERIOR COURT
           ATLANTA, GEORGIA 30303   FULTON COUNTY GEORGIA
24   CERTIFICATION NO. B-761

25

            FULTON COUNTY SUPERIOR COURT   PAGE   1

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1                      P R O C E E D I N G S

2

3      JUNE 21, 1991

4

5                 THE DISTRICT ATTORNEY:   YOUR HONOR, FOR

6      THE RECORD, A PLEA OF GUILTY HAS BEEN -- AND THIS

7      YOUR HONOR IS NUMBER ONE ON THE INQUIRY CALENDAR.

8      A PLEA OF GUILTY HAS BEEN ENTERED TO INDICTMENT

9      Z-33536, STATE OF GEORGIA VERSUS TONI TAYLOR,

10     CHARGING MISS TAYLOR WITH VGCSA SALE OF COCAINE.

11                 WOULD YOU RAISE YOUR RIGHT HAND, PLEASE.

12

13                     TONI TAYLOR,

14     HAVING BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS

15     FOLLOWS:

16                       EXAMINATION

17     BY THE DISTRICT ATTORNEY:

18          Q.    WOULD YOU STATE YOUR NAME FOR THE RECORD, PLEASE.

19          A.    TONI YVETTE TAYLOR.

20          Q.    AND TONI YVETTE TAYLOR, ARE YOU THE TONI TAYLOR

21     NAMED IN INDICTMENT 33536 CHARGING YOU WITH SALE OF COCAINE?

22          A.    YES, MA'AM.

23          Q.    ALL RIGHT.  AND DO YOU REALIZE THAT UNDER THE

24     LAWS OF THE STATE OF GEORGIA, THAT OFFENSE CARRIES A PENALTY

25     OF BETWEEN FIVE AND THIRTY YEARS' IMPRISONMENT?
```

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1   HONOR, HAD THIS CASE GONE TO TRIAL, THE STATE

2   EXPECTS THAT THE EVIDENCE WOULD SHOW THAT WHILE

3   PATROLING A KNOWN DRUG AREA IN AN UNMARKED

4   VEHICLE, TAYLOR, MISS TAYLOR APPROACHED

5   INVESTIGATOR SMART AND ASKED IF HE WAS DATING.

6   MR. SMART ANSWERED YES, AND AFTER A BRIEF

7   CONVERSATION WITH TAYLOR, THE DEFENDANT DIRECTED

8   HIM TO A LOCALE WHERE HE CAN -- AND I DON'T KNOW

9   WHAT DATING MEANS.   I CAN SEE YOUR CONFUSION.

10   APPARENTLY THAT'S PERHAPS SOME KIND OF

11   CODE, BUT IN ANY EVENT, THIS DEFENDANT DIRECTED

12   HIM TO A LOCALE.   I BELIEVE IT WAS IN A MOTEL.

13   THE ALAMO MOTEL, A ROOM AT THE ALAMO MOTEL, WHERE

14   HE COULD PURCHASE DRUGS.   HE GAVE HER MONEY.   SHE

15   WENT IN THE MOTEL ROOM, CAME BACK OUT WITH DRUGS.

16   THE COURT: WELL, I KNOW THE ALAMO.

17   THE DISTRICT ATTORNEY: OKAY.   THE LAB

18   REPORT SHOWS THAT THE SUBSTANCE GIVEN TO THE

19   OFFICERS WAS POSITIVE FOR COCAINE, LESS THAN A

20   GRAM.   IN THIS CASE, WE HAVE NOT SEEN ANY PRIOR

21   DRUG CONVICTIONS ON THIS DEFENDANT AT ALL.   SHE

22   HAS A THEFT BY SHOPLIFTING BACK FROM 4-12-90

23   UNDER INDICTMENT A-19126.

24   THE DEFENDANT'S ATTORNEY: THAT MATTER IS

25   NOW CLOSED.

                    FULTON COUNTY SUPERIOR COURT   PAGE   6

1   THE COURT: IT IS CLOSED.

2   THE DISTRICT ATTORNEY: BUT -- AND SEVERAL

3   OTHER THEFT BY SHOPLIFTING TYPE CONVICTIONS, BUT

4   NO DRUGS. THE STATE IS RECOMMENDING IN THIS CASE

5   FIVE YEARS' PROBATION, $250 FINE, 40 HOURS'

6   COMMUNITY SERVICE AND DRUG SCREENS AND TESTING.

7   THE COURT: ALL RIGHT. THANK YOU.

8   MR. PURVIS?

9   THE DEFENDANT'S ATTORNEY: MISS TAYLOR'S

10   ONLY DISPUTE WITH THE FACTS IS THAT SHE SAYS THE

11   OFFICER APPROACHED HER FIRST AND EVIDENTLY WAS

12   TRYING TO SOLICIT A PROSTITUTION CHARGE WITH HER

13   AND ASKED HER IF SHE WAS DATING AND DISCUSSED

14   ACTUALLY A SEX FOR HIRE TYPE THING. SHE TURNED

15   HIM DOWN FOR THAT AND THE OFFICER SAID CAN I GET

16   SOME DRUGS. MISS TAYLOR SAID I DON'T DO THOSE,

17   BUT THE OFFICER SAID DO YOU KNOW WHERE I CAN FIND

18   SOME.

19   SHE AGREED TO LEAD HIM TO THE MOTEL ROOM.

20   THE MARKED MONEY WAS NOT FOUND ON HER. SHE DOES

21   ADMIT, THOUGH, TAKING THE UNDERCOVER OFFICER TO

22   THE LOCATION WHERE HE WAS ABLE TO PURCHASE

23   NARCOTICS, BUT I WOULD LIKE TO POINT OUT IN

24   MITIGATION ANYBODY IN THAT NEIGHBORHOOD KNOWS YOU

25   CAN GO TO THE ALALMO AND PICK UP NARCOTICS.

              FULTON COUNTY SUPERIOR COURT   PAGE   7

1   THE COURT: NOT THAT POLICE OFFICER.

2   THE DISTRICT ATTORNEY: BUT SHE WENT IN

3   THE ROOM, CAME BACK OUT AND HANDED THE DRUGS.

4   WHEN THE OFFICER WENT IN THE ROOM, NO ONE ELSE

5   WAS THERE.

6

7   EXAMINATION

8   BY THE COURT:

9   Q,   MS. TAYLOR, ANYTHING YOU WANT TO SAY?

10   A.   NO.

11   Q.   YOU UNDERSTAND THE NATURE OF THE CHARGE PENDING

12   AGAINST YOU?

13   A.   YES, MA'AM.

14   Q.   AND THE CONSEQUENCES OF PLEADING GUILTY?

15   A.   YES.

16   Q.   ARE YOU GUILTY OF THE SALE OF COCAINE?

17   A.   YES.

18   Q.   ARE YOU SURE?

19   THE DEFENDANT'S ATTORNEY: WAIT A MINUTE.

20   THE DEFENDANT: I WENT AND GOT IT.

21   BY THE COURT:

22   Q.   YOU WERE THE MIDDLE PERSON?

23   A.   YES.

24   Q.   YOU WERE --

25   A.   I WENT AND GOT IT.

              FULTON COUNTY SUPERIOR COURT   PAGE   8

```
1         Q.    YOU WHAT?

2         A.    I WENT AND --

3               THE DISTRICT ATTORNEY:   SHE WENT AND GOT

4    IT.

5    BY THE COURT:

6         Q.    YOU WERE FACILITATING THE TRANSACTION; IS THAT

7    CORRECT?

8         A.    YES, MA'AM.

9         Q.    ALL RIGHT.   DID YOU READ MY SUPPLEMENTAL GUILTY

10   PLEA FORM?

11        A.    YES.

12        Q.    DID YOU UNDERSTAND IT?

13        A.    YES.

14        Q.    IS THERE ANYTHING YOU DIDN'T UNDERSTAND?

15        A.    NO.

16        Q.    ANYTHING YOU WANT TO SAY?

17        A.    NO.

18        Q.    ALL RIGHT.   I'M SATISFIED THAT THE FACTS THAT

19   MISS GRANT IS PREPARED TO PROVE WILL SUSTAIN YOUR PLEA OF

20   GUILTY TO SALE OF COCAINE.

21              HOW OLD ARE YOU, MA'AM?

22        A.    29.

23        Q.    HOW MUCH SCHOOLING HAVE YOU HAD?

24        A.    TO THE 11TH.

25        Q.    TO THE 11TH GRADE?
```

FULTON COUNTY SUPERIOR COURT   PAGE   9

1   A.   YES, MA'AM.

2   Q.   WHAT KIND OF WORK DO YOU DO?

3   A.   I USED TO WORK FOR THE RETARDATION CENTER.

4   Q.   DOING WHAT?

5   A.   FOR THE RETARDED KIDS.

6   THE DISTRICT ATTORNEY: I UNDERSTAND THAT

7   SHE HAS FOUR CHILDREN AND IS CURRENTLY ON

8   WELFARE.

9   BY THE COURT:

10   Q.   DO YOU WORK FOR MONEY?

11   A.   WHAT YOU MEAN?

12   Q.   DO YOU HAVE A JOB?

13   A.   NO, I'M EMPLOYED.

14   THE COURT: UNEMPLOYED.   ALL RIGHT.   OKAY.

15   ALL RIGHT.   I'M GOING TO ACCEPT THE STATE'S

16   RECOMMENDATION AND SENTENCE YOU TO FIVE YEARS'

17   PROBATION, $250 FINE, $25 PENALTY ASSESSMENT, $10

18   A MONTH PROBATION FEE, 10 PERCENT ASSESSMENT ON

19   THE FINE FOR THE COUNTY JAIL CONSTRUCTION FUND,

20   40 HOURS OF COMMUNITY SERVICE, DRUG TESTING AND

21   SCREENING.

22   AS A PROVISION OF YOUR PROBATION, YOU NEED

23   TO EITHER FINISH HIGH SCHOOL OR GET YOUR GED AND

24   GET A LEGITIMATE JOB.

25   THE DEFENDANT: YES, MA'AM.

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1   THE DEFENDANT'S ATTORNEY: YES, YOUR HONOR.

2   THE COURT: I WANT TO NOTIFY YOU, MS.

3   TAYLOR, THAT YOU HAVE THE RIGHT TO HAVE THIS

4   SENTENCE REVIEWED BY THE SUPERIOR COURT SENTENCE

5   REVIEW PANEL OF GEORGIA. SENTENCES OF FIVE YEARS

6   OR MORE MAY BE REVIEWED BY THAT PANEL FOR

7   EXCESSIVENESS.

8   A LETTER REQUESTING SUCH A REVIEW OR AN

9   APPLICATION FORM WOULD HAVE TO BE FILED WITH THE

10   CLERK OF THIS COURT AND YOU HAVE ONLY THIRTY DAYS

11   FROM TODAY IN WHICH TO FILE FOR YOUR SENTENCE

12   REVIEW IF YOU WISH TO HAVE YOUR SENTENCE

13   REVIEWED.

14   DO YOU UNDERSTAND THAT, MISS TAYLOR?

15   THE DEFENDANT: YES, MA'AM.

16   THE COURT: ALL RIGHT.   THAT'S WHAT THAT

17   FORM THERE SAYS.   THERE'S A COPY THAT YOU CAN

18   TAKE HOME WITH YOU.

19   (PROCEEDINGS CONCLUDED.)

20

21

22

23

24

25

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1

2

3   CERTIFICATE

4

5

6   STATE OF GEORGIA,

7   COUNTY OF FULTON:

8

9   I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE,

10   COMPLETE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN

11   DOWN BY ME IN THE CASE AFORESAID.

12   THIS CERTIFICATION IS EXPRESSLY WITHDRAWN AND

13   DENIED UPON DISASSEMBLY OR PHOTOCOPYING OF THE FOREGOING, OR

14   ANY PART THEREOF, INCLUDING EXHIBITS, UNLESS SAID DISASSEMBLY

15   OR PHOTOCOPYING IS DONE BY THE UNDERSIGNED OFFICIAL COURT

16   REPORTER AND ORIGINAL SIGNATURE AND SEAL IS ATTACHED THERETO.

17   THIS, THE 26TH DAY OF AUGUST, 1991.

18

19

20

21   LAURIE LANNING, CCR NO. B-761

22   OFFICIAL COURT REPORTER
        SUPERIOR COURT OF FULTON COUNTY

23

24

25

        FULTON COUNTY SUPERIOR COURT   PAGE   12

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Exhibit 10

Proposed to Be Redacted Entirely

Exhibit 11

RealPage LeasingDesk Screening Policies & Procedures

This document contains the current policies and procedures relating to the LeasingDesk Screening Product and interactions with consumers.

Table of Contents

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Consumer Dispute regarding Criminal Report

Upon receipt of information that the consumer is disputing an item related to information contained in the Criminal section of their report, the Screening Operations Specialist will use the following procedure.

Retrieving Disputed Items from the Consumer Report
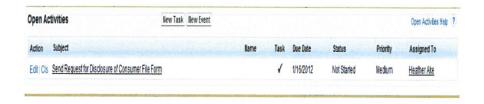
1. After the Screening Operations Specialist has verified that there is a case in Salesforce related to the consumer dispute and/or opened a case, as applicable, the Screening Operations Specialist will note in Salesforce that the consumer's information has been received and save a copy of the information to the consumer's electronic folder.

2. Select appropriate action plan associated with the type of request and "assign" the action plan. Click on this link for instructions: **Assigning an Action Plan**

   Select "sub-area" to correspond with the type of request and click "save".

The Screening Operations Specialist will create a note in Salesforce noting that all documents were received and filed in the consumer's electronic folder.

Begin working the assigned Action Plan by handling each "Open Activity" which is displayed on consumer's case:

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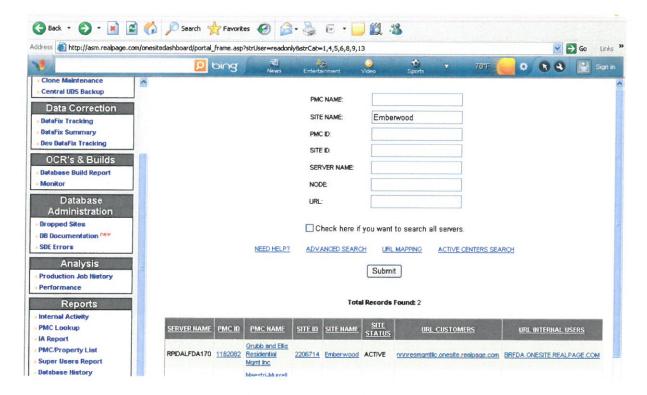
When Screening Operations Specialist has finished the assigned open activity, they **must** "complete" the item before proceeding to the next open activity. To complete the task/ activity, click on Cls next to the activity and change status to "Completed", add any additional comments (these comments are not "internal notes) and will be available for Product Support), then click on "save" and "refresh". The next "Open Activity" will display in the case.

3.   The Screening Operations Specialist will then log into the Onesite system and pull a copy of the consumer's report.

4.   Locate site and site ID where applicant applied.

5.   If there is no site ID provided or the site ID is incorrect, locate the site ID in Digital Dashboard.
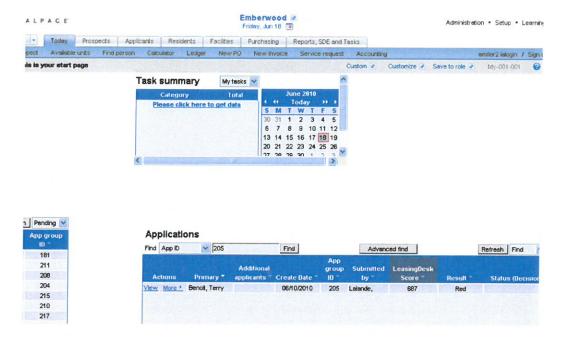
http://asm.realpage.com/onesitedashboard/portal_frame.asp?strUser=readonly&strCat=1, 4,5,6,8,9,13

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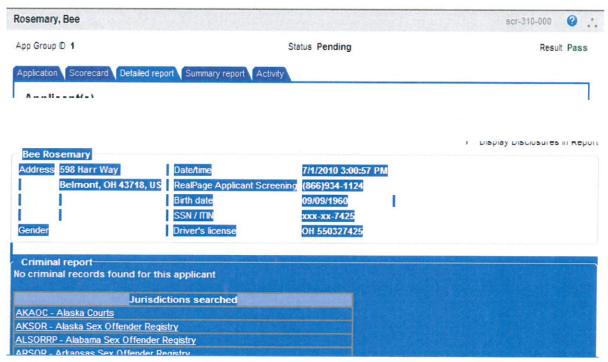
6. Once the site is located log into Onesite IA.

7. After logging in the first page will be the today page. Go to the Applications snapshot, and search for applicant by name. Choose view to access the application.

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8. Select "Detailed Report" tab
   - Use curser and highlight all report information. Press "ctrl" and "c" keys simultaneously to "copy data"

9. Open a new Word document and paste the report into the new Word document. Save the Word document on the computer desktop as the name of the consumer.

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10. Delete all items from the report, except for: Consumer information entered by the property (located at the top of the report), Credit Bureau header information, consumer name variations, previous addresses, all jurisdictions searched and the specific criminal records the consumer is disputing.

Jon Q. Consumer

Address	**15850 Jackson Dr**	Date/time	**6/19/2010 6:20:42 PM**
	Fontana, CA 92336-1746, US	RealPage Applicant Screening	**(866)934-1124**
Previous Address	**15850 Jackson Dr**	Birth date	**01/26/1979**
	Fontana, CA 92336-1746	SSN / ITIN	**xxx-xx-xxxx**
Gender		Driver's license	**CA BXXXXXXX**

Credit report

Name	**JON Q CONSUMER**	File date		Run date	**4/22/2010**
SSN	**xxx-xx-xxxx**	Birth date **1979**		Source	**Experian**
				National Risk:	**679**

Name Variation

Name
JON Q CONSUMER

Previous addresses

Address	Reported Dates
Current Address:15850 Jackson Dr Fontana CA 92336-1746	
Previous Address:15850 JACKSON DR FONTANA CA 923361746	From: 2009-09 To: 2003-01
Previous Address:5594 GREENGRASS CT APT F MIRA LOMA CA 917524291	From: 2009-02 To: 2008-12
Previous Address:22357 BLUE LUPINE CIR GRAND TERRACE CA 923135467	From: 2008-03 To: 2007-03

Criminal report
Offender information

ID	Jur code	Name	Birth date	SSN	Photo/Description
1	TXCTYTARRANT	CONSUMER, JEAN	12/15/1951		SEX: f HEIGHT: 5 ft 3 in RACE_ETHNIC: white HAIR: blonde EYE_COLOR: green

Alias information - ID column indicates association between offender and alias

ID	Jur code	Name	Birth date	Alias Name/Description	Alias Birth date
1	TXCTYTARRANT	CONSUMER, JEAN	12/15/1951	CONSUMER, ALICE GEANNIE	

Offense information - ID column indicates association between offender and offense

ID	Jur code	Disposition	Class	Charge	Offense/ File date	ORIC/ County	Note
1	TXCTYTARRANT	CONVICTED| 24M	M	DRIVING WHILE INTOXICATED	05/12/1997	TARRANT CO CRIMINAL CRT 1	Case#0645075	

11. The Screening Operations Specialist will review all criminal records to determine if any of the criminal records displayed could be "non-match" record(s). A criminal non-match is a dispute from a consumer that a criminal record showing on their consumer report does not belong to them. The Screening Operations Specialist will also contact the property and advise that the Consumer Dispute Team has received a consumer dispute

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for the applicant and we are currently expediting for a swift resolution. The Screening Operations Specialist will contact the consumer by phone, if a phone contact number has been provided and advise 1) All information is received and we are working on the reinvestigation, or 2) That we need additional information (e.g., driver's license) to assist in the resolution.

  a. If the Screening Operations Specialist determines one (1) or more of the displayed criminal records are possible "non-match" record(s) they should escalate in Test Director for the Consumer Dispute Team to respond with the official response to the consumer and property.

Enter the Criminal Dispute in Test Director

After the case has been entered in Salesforce and the Word document showing the Criminal item(s) in dispute from the consumer's report has been prepared, the Screening Operations Specialist will open a case in Test Director.

1. Open the Word Document titled "**Template for TD Consumer Dispute Escalation**".
2. If the dispute is a potential non-match dispute, the Screening Operations Specialist will use the bottom half of the **Template for TD Consumer Dispute Escalation** form by entering the Salesforce case number, the Consumer Name, a brief description of the dispute, and completing the Account Name (Property Name), Parent Account Name (PMC Name), Account Number (Site ID) and Parent Account Number (PMC ID) as follows:

   SF00263794 Joe Consumer; Consumer wants to dispute criminal information on his report; 2-High

   Priority: 2-High

   Description of Problem: says criminal record not his "ID #1-4: the birth year is inaccurate, ID # 5-7: Never lived in Richmond County or area during offense file date"

   Account Name: The Colonies Apts
   Parent Account Name: JPECK Property Mgmt LLC dba Peck Mgmt
   Account Number: 2031065
   Parent Account Number: 2031060
   Build Number:
   Version Number: 3.1
   OneSite Center: Screening Query

3. If the dispute is relating to Criminal but is not a potential non-match dispute, the Screening Operations Specialist will complete the template at the top of the form by entering the Salesforce case number, the Consumer Name, a brief description of the dispute, and completing the Account Name (Property Name), Parent Account Name (PMC Name), Account Number (Site ID) and Parent Account Number (PMC ID) as follows:

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SF00328126 Joe Consumer; Consumer wants to dispute criminal information on his
report; 3-Medium

Priority: 3-Medium

Description of Problem: Consumer wants to dispute criminal record as it should be
reporting as dismissed

Account Name: The Avery on Southwestern
Parent Account Name: Zom Residential Services
Account Number: 2105639
Parent Account Number: 1051736
Build Number:
Version Number: 3.1
OneSite Center: Screening Query
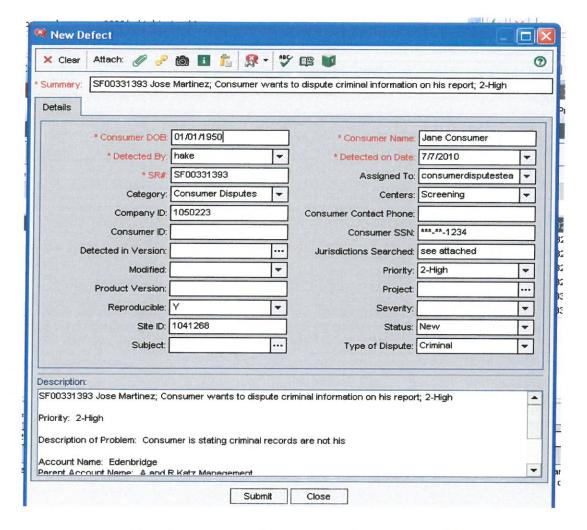
4.   Open Test Director and login using the Test Director password and login assigned.
5.   Click on "New Defect". Entering a "New Defect" is the only way to enter a case in Test
     Director.
6.   Cut and paste the information from the Template for TD Consumer Dis esc in the
     "Description" field and enter information in other required fields in the New Defect tab as
     follows.

7. Attach to the New Defect the consumer Word document that reflects the items in dispute from the consumer's report and also all information received from the consumer, which can be located in the consumer's electronic folder.

8. Assign the Test Director New Defect to the Consumer Dispute Team and click "Save".

9. Enter the Test Director Defect Number (the Test Director Defect Number is simply the unique case number that is assigned to a case entered into Test Director) in the Salesforce case for the dispute in the field titled "Defect Number" and change the Salesforce status to "Escalated to Development". Add a "Case Comment" in Salesforce stating "Escalated to CDT for review."

10. Add the Test Director Defect Number to the subject line of the inbound e-mail/fax/letter in the Consumer Dispute Inbox and change the e-mail category to "Escalated to CDT".

11. The Screening Operations Specialist must run a Query from Test Director on a daily basis to determine items that have been escalated to development but not yet closed.

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Investigation of the Dispute by Consumer Dispute Team

1. Once the Screening Operations Specialist has assigned the Test Director Defect to the Consumer Dispute Team, the Test Director system will generate an e-mail notifying the Consumer Dispute Team of the dispute. The Consumer Dispute Team will then conduct an investigation of the dispute. The Consumer Dispute Team will investigate the dispute within a reasonable amount of time after receiving the e-mail notice of the dispute from Test Director, in order to allow the Screening Operations Team the ability to respond to the consumer's dispute within 30 days from RealPage's receipt of notice of the dispute.

2. If the Consumer is disputing that the record is a non-match, once the Consumer Dispute Team has conducted its investigation and determined whether or not a record is a match to the consumer, the Consumer Dispute Team will notify the Manager of Screening Operations via e-mail and the Manager of Screening Operations will review the record and confirm whether or not they agree with the conclusion of the investigation by the Consumer Dispute Team. If the Manager of Screening Operations agrees with the conclusion of the Consumer Dispute Team, the conclusion will be noted in Test Director. In the event the Consumer Dispute Team and the Manager of Screening Operations do not agree on the result of the investigation, the information relevant to the dispute will be escalated to the President of LeasingDesk for a final decision. Once agreement has been reached and/or the President of LeasingDesk has made a final decision, the Consumer Dispute Team will change the owner of the Test Director Defect to Screening Operations and will note their suggested response to the RealPage customer (the property) and the consumer in Test Director. Some examples of responses to the property and/or consumer depending on the results of the investigation are as follows:

   a. In the event the Consumer Dispute Team determines that the record is not a match to the consumer as a result of its investigation:

      Sample responses to property:
      The criminal information included in the report was derived from public records based on an exact match on last name, phonetic match on first name and exact date of birth. Based upon our investigation, we have determined that the record reported does not belong to your applicant and the record will be removed from the applicant's file.

      The criminal information included in the report was derived from public records based on an exact match on last name, first name and date of birth. Based upon our investigation and due to the discrepancies in physical description of the offender and the applicant's driver's license description, we have determined that the record reported does not belong to your applicant and the record will be removed from the applicant's file.

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The criminal information included in the report was derived from public records based on an exact match on last name, first name and date of birth. Based upon our investigation and a manual court search of the public records, we have determined that the record reported does not belong to your applicant and the record will be removed from the applicant's file.

Sample responses to consumer:

The criminal information included in the report provided to XYZ apartment community on XX/YY/ZZZZ was derived from public records from the XXXXXXXXXXXXXXX county courts based upon an exact match of last name and date of birth and a phonetic match on first name. Based upon our investigation, we have determined that the record does not belong to you and the record will be removed from your file.

The criminal information included in the report provided to XYZ apartment community on XX/YY/ZZZZ was derived from public records from the XXXXXXXXXXXXXX county courts based upon an exact match of last name, first name and date of birth. Based upon our investigation and due to the discrepancies in physical description of the offender and your driver's license description, we have determined that the record does not belong to you and the record will be removed from your file.

The criminal information included in the report provided to XYZ apartment community on XX/YY/ZZZZ was derived from public records from the XXXXXXXXXXXXXX county courts based upon an exact match of last name, first name and date of birth. Based upon our investigation and a manual court search of the public records, we have determined that the record does not belong to you and the record will be removed from your file.

The Consumer Dispute Team will then assign the Test Director Defect back to the Screening Operations Specialist who will complete the Reinvestigation Results Letter, including the recommended text from the Consumer Dispute Team, and send the letter to the consumer and notify the apartment community in accordance with the **Communicating the Reinvestigation Results to the Consumer** procedure below.

The Consumer Dispute Team will also then add the record to the RealPage criminal suppression database in accordance with the **Suppression of Records and/or Changes to Information in RealPage Database** procedure below.

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b. In the event the Consumer Dispute Team determines that the record does belong to the consumer as a result of its investigation:

> Suggested response to consumer:
> *The criminal information included in the report provided to XYZ apartment community on XX/YY/ZZZZ was derived from public records from the XXXXXXXXXXXXXXX county courts based upon an exact match of last name, first name and date of birth. Based upon our investigation and a manual court search of the public records, we have confirmed that the record is accurate.*
>
> *If you believe that these records do not belong to you, we recommend that you contact the XXXXXXXXXXX County Clerk to refute your association with the cases reported.*
>
> *If you have additional information related to the record being reported that you have not previously provided (such as court documents), you may provide those to us at the address for LeasingDesk contained in this letter. Please also reference the Salesforce case number noted above.*

The Consumer Dispute Team will then assign the Test Director Defect back to the Screening Operations Specialist who will complete the Reinvestigation Results Letter, including the recommended text from the Consumer Dispute Team, and send the letter to the consumer and notify the apartment community in accordance with the **Communicating the Reinvestigation Results to the Consumer** procedure below.

3. In the event the consumer is disputing that the information contained in the criminal record that is being reported is incorrect or that the criminal record being reported was sealed and/or expunged, the Consumer Dispute Team will, upon conclusion of its investigation, change the owner of the Test Director Defect to Screening Operations and will note their suggested response to the RealPage customer (the property) and the consumer in Test Director, based upon the results of the investigation. Some examples of responses to the property and/or consumer depending on the results of the investigation are as follows:

> For cases of updated disposition and/or classification information – Notice to Consumer and Property:
> *The criminal section of the report provided to XYZ apartment community on XX/YY/ZZZZ was derived from public records from the XXXXXXXXXXXXXX county courts based upon an exact match of last name, first name and date of birth. Based upon the information you have provided and our investigation, we have determined that the information in the report should*

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be updated and we have updated the record to show that the [disposition][classification] was [INSERT CORRECT DISPOSITION/CLASSIFICATION INFORMATION][EXAMPLE: disposition was "Dismissed"].

For cases of expunged/sealed records:

The criminal section of the report provided to XYZ apartment community on XX/YY/ZZZZ was derived from public records from the XXXXXXXXXXXXXX county courts based upon an exact match of last name, first name and date of birth. Based upon the information you have provided and our investigation, we have determined that the record reported was [sealed][expunged] and this record will be removed from your file.

For cases of expunged/sealed records – Notice to Property:

The criminal section of the report provided to you regarding [INSERT NAME OF CONSUMER] on XX/YY/ZZZZ was derived from public records from the XXXXXXXXXXXXXX county courts based upon an exact match of last name, first name and date of birth. Based upon our investigation, we have determined that the record should be removed from the consumer's file.

The Consumer Dispute Team will then assign the Test Director Defect back to the Screening Operations Specialist who will complete the Reinvestigation Results Letter, including the recommended text from the Consumer Dispute Team, and send the letter to the consumer and notify the apartment community in accordance with the **Communicating the Reinvestigation Results to the Consumer** procedure below.

The Consumer Dispute Team will also then add the record to the RealPage expunged/changed offenders database in accordance with the **Suppression of Records and/or Changes to Information in RealPage Database** procedure below.

For cases where the criminal record is determined to be accurate as reported, suggested response to consumer:

The criminal information included in the report provided to XYZ apartment community on XX/YY/ZZZZ was derived from public records from the XXXXXXXXXXXXXX county courts based upon an exact match of last name, first name and date of birth. Based upon our investigation, we have confirmed that the record is accurate.

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If you believe that these records do not belong to you, we recommend that you contact the XXXXXXXXXXXX County Clerk to refute your association with the cases reported.

If you have additional information related to the record being reported that you have not previously provided (such as court documents), you may provide those to us at the address for LeasingDesk contained in this letter. Please also reference the Salesforce case number noted above.

The Consumer Dispute Team will then assign the Test Director Defect back to the Screening Operations Specialist who will complete the Reinvestigation Results Letter, including the recommended text from the Consumer Dispute Team, and send the letter to the consumer in accordance with the **Communicating the Reinvestigation Results to the Consumer** procedure below.

Communicating the Reinvestigation Results to the Consumer

1. Within 5 business days of the Screening Dispute Specialist being notified by the Consumer Dispute Team of the results of the investigation, but in no event less than 30 days after receipt of the dispute from the consumer, the Screening Operations Specialist will complete the **Reinvestigation Results Letter** and transmit the letter to the consumer. If the investigation resulted in a correction to the consumer's report, the Screening Operations Specialist will also notify the apartment community by e-mail of the results and note such notification in the "Case Comments" section of the Salesforce case for the consumer. The e-mail to the property should be saved in the consumer's electronic folder and/or Salesforce case. If there is not an e-mail address for the apartment community, "No Email" should be noted in the comments and the Screening Operations Specialist should note that the apartment community was informed by phone and the name of the person at the apartment community to whom they gave the results.

2. Once the Reinvestigation Results Letter has been sent to the consumer and the apartment community has been notified, the Salesforce ticket should be closed by the Screening Operations Specialist. The Supervisor of the Screening Operations Team is responsible for reviewing all tickets entered as a Criminal Non-Match Dispute or other Criminal dispute on a bi-weekly basis in Salesforce to determine if the timeframe for the response to the consumer is being met.

3. The Screening Operations Specialist should then close the case in Salesforce in accordance with the

4. **Closing the Case in** Salesforce procedure below.
   a. Exception: If the response by CDT indicates the record(s) will be changed and/or removed, the Screening Operations Specialist will continue to follow the Action Plan and complete assigned task(s). After the final task has been completed, the case should

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close automatically.

Suppression of Records and/or Changes to Information in RealPage Database

If the investigation of a consumer criminal dispute results in changes of information to the record being reported, the Consumer Dispute Team will create a SQL script to update the database with the correct information and will provide the SQL script to the RealPage database administrator to update the record in the database (which updates occur on a weekly basis) and to add the case information to the RealPage expunged/changed offenders database for the RealPage data acquisition team to use on updates for the jurisdiction reporting the judgment.

If the investigation of a consumer criminal dispute results in the removal of a record from a consumer's file, the Consumer Dispute Team will notify the RealPage database administrator to add the record to the RealPage criminal suppression database. Updates to the RealPage criminal suppression database will take place on a weekly basis.

Once the suppression has been completed, the CDT will notify the Screening Operations Specialists that the record(s) suppression and/or update has been completed. The Screening Operations Specialist will update Salesforce and complete the Action Plan.

Closing the Case in Salesforce

Before closing a consumer's case in Salesforce, the Screening Operations Specialist will review the dispute information provided by the consumer to ensure that all items in dispute by the consumer have been investigated and a response has been provided. If all items disputed by the consumer have been investigated and a response to the consumer has been provided for each item, the Salesforce case should be closed. To Close a Case in Salesforce, complete the last open activity (scheduled task) and the case should automatically change to complete once the task is done.

To close the consumer's Salesforce ticket, the Screening Operations Specialist should use the following processes. See **Closing the Case in Salesforce**, **Adding Count to the Daily Production Log** and **Moving E-mail Items for Completed Requests** for details on how to complete these processes.

Exhibit 12

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

DIANE D. JONES and   :
JAMES ARNOLD, individually :
and on behalf of   :
themselves and all others   :
similarly situated,   :
                            :
            Plaintiffs,   :
                            :
v.   :   Case No. 1:19-cv-501-JG
                            :
REALPAGE, INC., d/b/a   :
LEASINGDESK SCREENING,   :
                            :
            Defendant.   :

     VIDEOTAPED AND ORAL DEPOSITION OF BECKY BOYST,

produced as a witness at the instance of the Plaintiffs,

and duly sworn, was taken in the above-styled and

-numbered cause on August 9, 2019, from 9:10 a.m. to

10:48 a.m., before Christine Simons, CSR in and for the

State of Texas, reported by machine shorthand, at

RealPage, Inc., 2201 Lakeside Boulevard, Richardson,

Texas, 75082, pursuant to the Federal Rules of Civil

Procedure.

BECKY BOYST

1   A P P E A R A N C E S

2

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25

BECKY BOYST

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4
  ALSO PRESENT:
5
       Chase Huddleston, Videographer
6

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BECKY BOYST

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BECKY BOYST

1   THE VIDEOGRAPHER: We are now on the record

2   for the video deposition of Becky Boyst. The date is

3   August 9th, 2019. The time is 9:10 a.m. In the matter

4   of Diane D. Jones and James Arnold versus RealPage,

5   Inc., et al, being held in the United States District

6   Court for the Northern District of Ohio, Case No.

7   1:19-cv-501-JG.

8   This deposition is taking place at

9   RealPage, Inc., in Richardson, Texas.

10   My name is Chase Huddleston, I'm the legal

11   video specialist. The court reporter today is Christine

12   Simons.

13   Would counsel please state their appearance

14   for the record.

15   MR. SOUMILAS: For the plaintiff, Diane D.

16   Jones, John Soumilas. My colleague, Lauren Brennan, is

17   here with me today in Philadelphia. We are

18   participating via video link.

19   MR. RAETHER: Ronald Raether and Jessica

20   Lohr, Troutman Sanders, for defendant, RealPage, Inc.

21   MR. THORNTHWAITE: Martin Thornthwaite for

22   RealPage, Inc.

23   MR. SOUMILAS: One correction point before

24   we swear in the witness. This is a Rule 30(b)(6)

25   deposition in part, at least, a 30(b)(6) deposition of

BECKY BOYST

1   the defendant, RealPage. It is not a deposition of

2   Ms. Boyst in her personal capacity.

3   BECKY BOYST,

4   after having been first duly sworn, was examined and

5   testified on her oath as follows:

6   EXAMINATION

7   BY MR. SOUMILAS:

8   Q. Would you please state your complete name for

9   the record, ma'am.

10   A. Rebecca Ann Boyst.

11   Q. Ms. Boyst, we met off the record just a moment

12   ago. My name is John Soumilas. I am an attorney for

13   Diane D. Jones, who has brought a lawsuit against

14   RealPage in the United States District Court for the

15   Northern District of Ohio in Cleveland.

16   I am here today to take your deposition

17   pursuant to a notice of deposition by Ms. Jones which

18   asked for RealPage to identify one or more corporate

19   representatives to testify on certain topics. So we did

20   not ask for you by name, but the company has designated

21   you to testify on three topics here today. Do you

22   understand that?

23   A. I do.

24   Q. And have you seen that revised notice of

25   deposition that lists the topics?

BECKY BOYST

1   A.   I have.

2   Q.   Let me show it to you again and mark it for the

3 record for purposes of today's proceedings as Boyst 1,

4 please.

5   THE REPORTER: I will mark it now.

6   (Exhibit No. 1 marked.)

7   Q.   And Ms. Boyst, it's my understanding that you

8 are designated today by RealPage, Inc., to testify under

9 this notice of deposition as to Topic 9, which are

10 RealPage's policies and procedures for determining that

11 a criminal record is a, quote, non-match, end quote, to

12 the individual who is the subject of the report. Are

13 you prepared to testify on that topic?

14   A.   Yes, sir.

15   Q.   Also, as to Topic 15, which states RealPage's

16 policies and procedures for ensuring that after

17 RealPage -- RealPage revises a consumer report about an

18 individual to remove a criminal record after

19 investigation, that the criminal record is not included

20 on subsequent reports about that same individual. Do

21 you see that?

22   A.   I do see it.

23   Q.   And are you prepared to testify on that topic?

24   A.   Correct.

25   Q.   And, finally, as to Topic 16C of this notice,

BECKY BOYST

1   which reads, RealPage's interactions with plaintiffs,

2   including but not limited to -- and I'm going back down

3   to C, RealPage's communications with plaintiffs related

4   to their requests for their files, including but not

5   limited to RealPage's responses. Do you see that?

6   A. I do see that.

7   Q. And are you prepared to testify on that third

8   topic as well?

9   A. Yes, sir.

10   Q. Now, Ms. Boyst, have you previously given any

11   testimony as a corporate representative on behalf of

12   RealPage in the manner you're giving testimony today?

13   A. I have not.

14   Q. Have you ever given any testimony under oath in

15   your life in any capacity?

16   A. I have not.

17   Q. Today's proceeding is a formal one, and

18   although we are in separate conference rooms, you in

19   Texas and me in Pennsylvania, we are creating a record

20   for the Court, and you have taken an oath that requires

21   you to tell the whole truth, just like -- just like we

22   were -- as if we were in court today in front of a judge

23   and jury. Do you understand that?

24   A. I do, sir.

25   Q. All right. Ms. Boyst, let's just begin with

BECKY BOYST

1   some basic background information. Do I take it that

2   you work for RealPage, Inc., in some capacity?

3   A. I do, sir.

4   Q. Do you have a title?

5   A. I'm sorry?

6   Q. Do you have a title?

7   A. I am the operations manager.

8   Q. How long have you been operations manager at

9   RealPage?

10   A. A little over a year.

11   Q. How long have you worked for RealPage overall

12   in your career?

13   A. I joined in July of 2012.

14   Q. And in summary form, could you tell us what are

15   the other positions you had at RealPage before you

16   became the operations manager?

17   A. Yes, sir. I was a supervisor before -- in the

18   operations area before I became a manager.

19   Q. What are your basic day-to-day responsibilities

20   in the operations area, either as a supervisor, or most

21   recently, as a manager?

22   A. We process disputes or requests for consumers

23   where there is a discrepancy or in -- in the information

24   that the consumer believes is accurate versus what is on

25   the screening report, or when they want a copy of a

BECKY BOYST

1 screening report.

2   Q. And are you familiar with the policies and

3 procedures at RealPage for answering those types of

4 requests for consumers?

5   A. Yes, sir.

6   Q. And I take it, you are specifically familiar

7 with the type of dispute that is characterized as a

8 non-match at RealPage?

9   A. I am.

10   Q. And you're familiar with the policies and

11 procedures for investigating non-matches and dealing

12 with those type of situations?

13   A.   I am generically familiar, I am not in-detail

14 familiar with the investigation process.

15   Q. Do you have people reporting to you, Ms. Boyst,

16 as the operations manager?

17   A. I do.

18   Q. How many?

19   A. I have about ten people reporting to me.

20   Q. And are those folks also engaged in assisting

21 consumers who have disputes about their background

22 reports or who wish to see them and see what is being

23 reported about them?

24   A. Yes, sir.

25   Q. Also, in summary form, Ms. Boyst, would you

BECKY BOYST
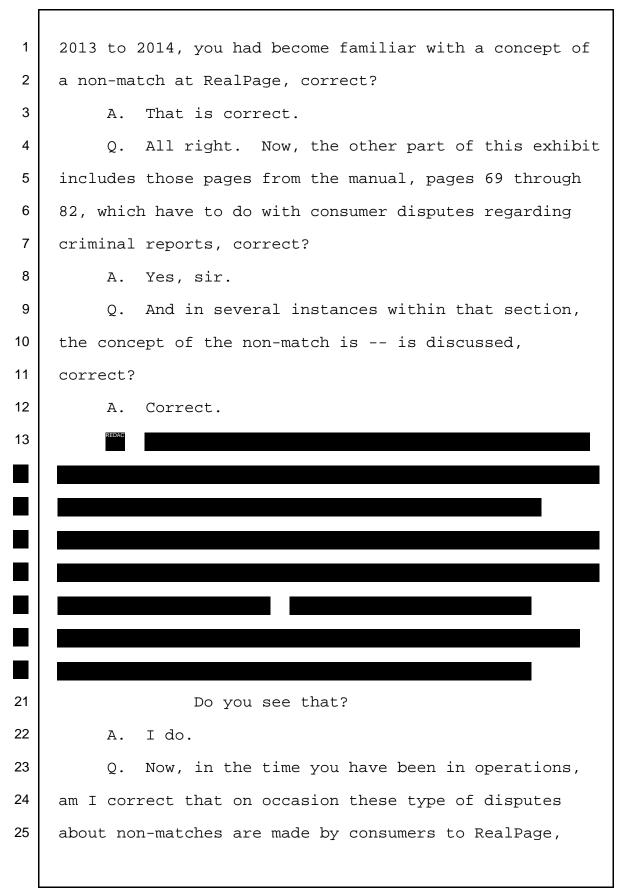
 1   tell us what your educational background is? Let's

 2   start with high school.

 3   A.   I graduated from high school in Greensboro,

 4   North Carolina. I attended college and graduated from

 5   college in North Carolina.

 6   Q.   And would you just please tell us what you

 7   studied in college and when you graduated?

 8   A.   Oh, Lord. I can't even remember when I

 9   graduated. I can tell you it took me ten years to get

10   through, but I can't tell you when I graduated.

11   Q.   Did you have a major, ma'am, or a concentration

12   in your studies?

13   A.   History.

14   Q.   What was the name of the college?

15   A.   University of North Carolina at Greensboro.

16   Q.   And since graduating with a history degree from

17   UNC Greensboro, have you attended any other

18   college-level or university-level schooling?

19   A.   I have not.

20   Q.   Where is your office presently, ma'am?

21   A.   It is in Richardson in the RealPage corporate

22   headquarters.

23   Q.   And have you worked at the Richardson, Texas,

24   RealPage headquarters since you joined the company in

25   2012?

BECKY BOYST

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 1          A.   I have.

 2          Q.   In preparing to give testimony today in this

 3   case, did you have a chance to review the interactions

 4   that RealPage had with Diane Jones, my client?

 5          A.   I did.

 6          Q.   And you reviewed both requests for information

 7   for her file and also her dispute about some information

 8   in her file?

 9          A.   That is correct.

10          Q.   Are you familiar with the policies and

11   procedures that RealPage would have followed in dealing

12   with Ms. Jones in that -- with those interactions?

13          A.   That's correct.

14          Q.   Okay.  And how about Mr. James Arnold, did you

15   review interactions between RealPage and him as well?

16          A.   I did.

17          Q.   (Inaudible.)

18               THE REPORTER:  Can you repeat the question?

19   It broke up.

20          Q.   Yes.  With respect to Mr. Arnold, did you also

21   review any requests he made of RealPage to see his file

22   and also any disputes he may have made with RealPage

23   about his file?

24          A.   I did.

25          Q.   All right.  So we'll get right into the areas,
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BECKY BOYST

1   Ms. Boyst, where you are designated to testify, and

2   let's begin with the policies and procedures related to

3   non-match situations. When is the first time at

4   RealPage you heard the term "non-match"?

5   A. I would say 2013, '14.

6   Q. And in what context?

7   A. The context is the record doesn't match the

8   applicant.

9   Q. So am I correct that at RealPage a non-match is

10   a situation where the criminal record showing on a

11   tenant applicant's report does not belong to them?

12   A. It is -- that is correct.

13   Q. All right. And, in fact, RealPage has a

14   policies and procedure manual that discusses how to deal

15   with non-match situations, correct?

16   A. That is correct.

17   Q. All right. Let me show you a portion of that

18   manual, which I would like to mark as Boyst 2 for

19   purposes of today.

20   MR. SOUMILAS: And to the court reporter,

21   this is a document that reads on the first page,

22   RealPage LeasingDesk Screening Policies and Procedures.

23   It begins at page 538 and goes through 541 and then it

24   picks up again at 610 and goes to 623. Please let me

25   know when we have Boyst 2 marked for the record.

BECKY BOYST

1   (Exhibit No. 2 marked.)

2   THE REPORTER: I have it marked.

3   MR. SOUMILAS: Thank you.

4   Q. Ms. Boyst, do you recognize the contents of the

5   document that I put in front of you as Boyst 2?

6   A. I do.

7   Q. And just to create the record of what we're

8   doing here is that I have a cover page and the table of

9   contents for what appears to be the RealPage LeasingDesk

10 Screening Policies and Procedures. Do you agree with

11 that?

12   A. Yes, I do.

13   Q. Have these policies and procedures been in

14 place for as long as you've been with the company from

15 2012 to the present?

16   A. Could you ask that question again, please?

17   Q. When is the first time you became familiar with

18 this policies and procedures handbook in your time at

19 RealPage?

20   A. There was a handbook in 2012.

21   Q. Okay. And is what we have with us today the

22 present version of the handbook?

23   A. Just one minute, sir.

24   Q. Okay.

25   A. It is the present version.

BECKY BOYST

1   Q. All right. Now, I want to show you in the

2   Table of Contents, there's a section of the handbook

3   that says, consumer disputes. Do you see that?

4   A. Correct.

5   Q. And then beginning on page 69 of the handbook,

6   there is a section called Consumer Dispute Regarding

7   Criminal Report. Do you see that?

8   A. I do.

9   Q. And -- (inaudible).

10   THE REPORTER: Can you start that question?

11   The question broke up.

12   MR. SOUMILAS: I'm sorry, I'll try that

13   again.

14   Q. Do you agree with me, Ms. Boyst, that at pages

15   69 through 82 of this manual, we see the company

16   policies and procedures regarding consumer disputes

17   regarding criminal reports?

18   A. That is correct.

19   Q. And have those policies and procedures about

20   disputes of criminal reports been in place since you

21   were handling consumer disputes in the 2013 and 2014

22   timeframe?

23   A. Yes, there are policies and procedures in

24   place.

25   Q. And you told me that from that time period,

BECKY BOYST

1   2013 to 2014, you had become familiar with a concept of

2   a non-match at RealPage, correct?

3   A.   That is correct.

4   Q.   All right. Now, the other part of this exhibit

5   includes those pages from the manual, pages 69 through

6   82, which have to do with consumer disputes regarding

7   criminal reports, correct?

8   A.   Yes, sir.

9   Q.   And in several instances within that section,

10   the concept of the non-match is -- is discussed,

11   correct?

12   A.   Correct.

13   REDAC

21   Do you see that?

22   A.   I do.

23   Q.   Now, in the time you have been in operations,

24   am I correct that on occasion these type of disputes

25   about non-matches are made by consumers to RealPage,

BECKY BOYST

1   correct?

2   A.   That is correct.

3   Q.   And are you familiar, Ms. Boyst, with whether

4   the company tracks the number of these disputes made by

5   consumers about situations that we are calling a

6   non-match?

7   A.   We do track based on when a consumer states

8   that they have a non-match dispute.

9   Q.   Okay. And could you -- would you be able to

10   search some record to tell us from year to year how many

11   non-match disputes RealPage receives from consumers?

12   A.   We can do that.

13   Q.   What computer or what record would you search

14   to be able to answer the question about the number of

15   non-match disputes by year?

16   A.   That would be the count of non-match disputes

17   received by the consumer that we show in our tracking

18   log.

19   Q.   I'm sorry, did you say the tracking log, ma'am?

20   A.   Correct.

21   Q.   Is the tracking log something within a computer

22   system at RealPage?

23   A.   It is.

24   Q.   Is it part of the Salesforce system?

25   A.   It is.

BECKY BOYST

1   Q.   And in preparing to give testimony today, did

2 you review any information as to how many non-match

3 disputes have been tracked in the tracking log in recent

4 years?

5   A.   We did review that, yes, sir.

6   Q.   And do you have information today, ma'am, about

7 the number of non-match disputes received by RealPage,

8 say, this year in 2019?

9   A.   I don't remember that number right off the top

10 of my head.

11   Q.   Okay. But you would be able to retrieve it if

12 you wanted to?

13   A.   Yes, sir.

14   Q.   Okay. I want to show you another document that

15 was produced in this case as part of the case. It is --

16 it's called Defendant's Objections and Responses to

17 Plaintiff Arnold's First Set of Interrogatories.

18   MR. SOUMILAS: Would you please locate

19 that, Ms. Reporter, and mark it as Boyst 3 for purposes

20 of today.

21   THE REPORTER: Yes.

22   (Exhibit No. 3 marked.)

23   THE REPORTER: I have it marked.

24   MR. SOUMILAS: Please let me know when you

25 have a chance to review that.

BECKY BOYST

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 1              THE REPORTER:  I have it marked now.

 2              MR. SOUMILAS:  Okay.  Thank you.

 3        Q.  Ms. Boyst, have you seen this document before

 4   just now?

 5        A.  One minute, sir.  Yes, sir.

 6        Q.  I didn't hear that, you said you have reviewed

 7   them before?

 8        A.  I have seen it, yes.

 9        Q.  And when was that?

10        A.  In the last day or two.

11        Q.  I'm going to direct your attention to page 5 of

12   that document.  There's a supplemental answer there at

13   the top that says, without -- subject to and without

14   waiving its objections, RealPage states that it received

15   17,104 criminal non-match disputes from consumers during

16   the requested time period.  And if you look at the

17   question, the requested time period asks for March 6th,

18   2014, to the present.  Do you see that?

19        A.  I do see it.

20        Q.  Is that -- are you able to tell us based on

21   your position as a general manager whether this

22   information about the non-match disputes appears to be

23   correct to you?

24        A.  It does appear to be correct.

25        Q.  All right.  And if we wanted to change that
```

BECKY BOYST

1 time period, let's say, from March 2017 through the

2 present, we would be able to derive at the number for

3 that time period by just looking at the tracking log

4 within the Salesforce system?

5   A. We would be able to do that, sir.

6   Q. And just sticking with this document a little

7 bit longer, if you'd please look at page 6 of it and the

8 supplemental answers on that page, it appears to say

9 that of the 17,104 consumer criminal non-match disputes,

10 RealPage removed records in 11,232 of the cases.

11   Do you see that?

12   A. I see that.

13   Q. And would I be correct in inferring that if

14 RealPage is removing the criminal records from the

15 consumer's file, that means that it's a confirmed case

16 of a non-match and that the criminal record really does

17 not match the consumer?

18   MR. RAETHER: Objection, vague and

19 ambiguous.

20   Q. You can answer it. You can answer the

21 question, ma'am. Go ahead.

22   MR. RAETHER: You can answer.

23   A. Can you restate that question, please?

24   Q. Sure. And before I restate the question, let

25 me just tell you that the rules of a deposition are a

BECKY BOYST

1 little bit different from the rules of court. So if you

2 hear an objection, you still have to answer my questions

3 unless your lawyer specifically tells you not to answer,

4 and I don't hear him telling you not to answer.

5   Okay. So here's my question again: Given

6 that in 11,232 cases of the 17,104 disputes, RealPage

7 removed the records from the disputing consumer's file,

8 do you think it's correct that the reason RealPage

9 removed the records is because the records didn't match

10 the consumer in the first place?

11   MR. RAETHER: Objection, vague and

12 ambiguous.

13   You can answer.

14   A. I would say that would be logical.

15   Q. Right. Because if the record were to actually

16 match the consumer, you wouldn't remove it from the

17 file, correct?

18   MR. RAETHER: Objection to form.

19   A. Yes.

20   Q. But the fact that RealPage is removing the

21 record indicates that it doesn't match, and therefore,

22 it's a confirmed case of a non-match. Would you agree

23 with that?

24   MR. RAETHER: Objection to form.

25   A. Again, yes.

BECKY BOYST

1   Q.   And that is, in fact, the policy at RealPage,

2   is it not, that when we have a confirmed non-match, the

3   non-matching criminal record should be removed from that

4   consumer's file, isn't it?

5   A.   That is correct.

6   REDAC

9   MR. RAETHER: Objection, vague and

10   ambiguous.

11   A.   That is correct in our policy.

12   Q.   I'm sorry, did you say that is correct in our

13   policy?

14   A.   That is correct, in our policy we remove those.

15   Q.   Right. And so that has been the case for as

16   long as you've been there, when we have a criminal

17   record not matching to a consumer, then it's got to be

18   removed from that consumer's file?

19   A.   That is correct.

20   Q.   Would you agree?

21   All right. And now are you familiar with

22   the type of things that cause a criminal record to be

23   associated with a consumer's file in the first instance,

24   which causes the non-match?

25   A.   I'm not aware of the matching logic.

BECKY BOYST

1   Q.   All right.   Well, we'll take that up with one

2   of your accountants.

3   What you do know is that when there is a

4   dispute and you're able to determine that the record is

5   non-matching, you remove it, correct?

6   A.   That is correct.

7   Q.   Am I also correct, Ms. Boyst, that in those

8   instances your team would indicate that within the

9   computer system that we have a case of a non-match?

10   A.   That is correct.

11   Q.   All right.   I want to show you another document

12   that we're going to call Boyst 4 for purposes of today.

13   It's a one-page document, and it has Bates number 56 on

14   it.   Please let me know when you have that.

15   THE REPORTER: What does the front of the

16   document look like?

17   MR. SOUMILAS: It's an activity log.   It

18   says, app group ID 59 on the top left.

19   (Exhibit No. 4 marked.)

20   THE REPORTER: I have it marked.

21   MR. SOUMILAS: Thank you.

22   Q.   Now Ms. Boyst, have you seen this document in

23   preparing to give testimony today?

24   A.   I am not sure without looking at all of the

25   documents, but...

BECKY BOYST

1   Q.   Okay.   Are you generally familiar with this

2 type of an activity log?

3   A.   I am.

4   Q.   Where does this activity log come from within

5 your systems?

6   A.   It is a part of the software that the client

7 uses when they process screening applications.

8   Q.   All right.   So this is situations where -- when

9 you say "the client," you mean landlords want to go

10 through the system to process a tenant's application?

11   A.   That is correct.

12   Q.   And is the activity log supposed to list all

13 the activity that happens in connection with that type

14 of a tenant application?

15   A.   It lists only the activity notes that are

16 put -- the activity log only shows the notes that are

17 put in.

18   Q.   All right.   Are you familiar -- are you able to

19 read logs like this?   Have you seen them before in your

20 day-to-day work?

21   A.   Yes, sir.

22   Q.   And does this particular log tell us that on

23 August 15, 2017, an application was submitted by a Diane

24 Jones?

25   A.   It does.

BECKY BOYST

1   Q. All right. And it looks like six days later on

2   August 21st, there's a note that there was offender

3   information viewed. Do you see that?

4   A. I do.

5   Q. Does that mean that some type of a criminal

6   record came back for Ms. Jones?

7   A. Yes, sir.

8   Q. And it was viewed by the landlord?

9   A. That is correct.

10   Q. All right. And then it says on the same day,

11   August 21, that a denial letter was printed for

12   Diane Jones. What does that mean?

13   MR. RAETHER: Objection. I think it's a

14   different date, John. You said the same day, it's the

15   28th and the 21st.

16   MR. SOUMILAS: So I'm sorry, maybe I'm

17   reading it incorrectly.

18   Q. I see it as August 21st, 2017, denial letter

19   was printed for Diane Jones; is that correct?

20   A. That is correct.

21   Q. Okay. And that was the same date that the

22   offender information was viewed by the landlord;

23   correct?

24   A. That is correct.

25   Q. Okay. And would you just explain for the

BECKY BOYST

1   record what it means that a denial letter was printed

2   for, in this case, Ms. Jones?

3   A.   It means an adverse action letter was printed

4   for the consumer.

5   Q.   Okay. And is that part of something that's

6   built into the system when a landlord wishes to take

7   adverse action against a consumer that a letter will be

8   generated?

9   A.   Yes, a letter will be generated.

10   Q.   Okay. And it's called a denial letter, you're

11   being denied the apartment, is that what's going on

12   here?

13   A.   That's the way it's labeled here, yes.

14   Q.   All right. And then a few days later on

15   August 29th, we see that there is a dispute being

16   generated for Ms. Jones, correct?

17   A.   That is correct.

18   Q.   So let's focus on that line. It says, consumer

19   dispute non-match. Do you see that?

20   A.   I do.

21   Q.   So now does that mean that someone at RealPage

22   has categorized Ms. Jones' dispute as one of these

23   situations that we've been calling a non-match situation

24   today?

25   A.   That means the consumer submitted a dispute

BECKY BOYST

1 where she said the records do not belong to her.

2   Q. Okay. And I guess what I'm trying to figure

3 out is, when we see the entry here in the activity log,

4 consumer disputes non-match, is that something that

5 someone at RealPage enters, or did Ms. Jones actually

6 use the words "non-match"?

7   A. It is part of the form that she submitted, and

8 it is the section of that form where she responded.

9   Q. Okay. So if there is a form submitted that

10 checks off the section that says, criminal record

11 doesn't belong to me, the system will know to categorize

12 that type of a dispute as a non-match?

13   A. That is correct.

14   Q. All right. Got you. And then it continues, we

15 have determined that the something, and then it cuts

16 off; do you see that?

17   A. I do.

18   Q. Do you know why that's cut off?

19   A. That is a wrapped field.

20   Q. Okay. Are you able to see the complete field?

21   A. I am not at this point.

22   Q. You are not.

23   In preparing to give testimony today, do

24 you know what was determined with respect to Ms. Jones

25 in connection with her non-match dispute?

BECKY BOYST

1   A.   It -- yes, we removed the record.

2   Q.   Okay. So it was determined that the record

3   didn't match her?

4   A.   That's correct.

5   Q.   Do you know why it was determined that the

6   criminal record did not match Ms. Jones?

7   A.   I do not know.

8   Q.   Okay. And then on the same day, August 29th,

9   2017, we see the entry, reversed final decision,

10 internal override. Do you see that?

11   A.   I do.

12   Q.   Is that an indication to you that it was

13 determined that in Ms. Jones' case, the criminal record

14 was a non-match and therefore should be removed from her

15 file?

16   A.   That is correct.

17   Q.   All right. And then if you continue looking

18 down the log, it looks like Ms. Jones' application is

19 resubmitted. Is that what's going on?

20   A.   It's rescored, yes, sir.

21   Q.   And then by October 11, 2017, the application

22 is approved by the landlord; is that what's going on

23 there?

24   A.   That is correct.

25   Q.   Okay. So now that the criminal history was

BECKY BOYST

1   removed from her file, the application went from a

2   denied to an approved. Would you agree with that

3   statement?

4   A.   That is correct.

5   Q.   Okay. And when you were testifying a little

6   while ago about the 17,000 disputes of a non-match in

7   connection with Boyst 3, do you know where that data

8   comes from?

9   A.   I do. It comes from the Salesforce system.

10   Q.   Okay. And that is a different system than the

11   activity log that we see here, correct?

12   A.   I'm sorry, can you ask that question one more

13   time?

14   Q.   Yes. Is the Salesforce system -- is the

15   Salesforce system, which was used to derive the number

16   of 17,000-plus non-match disputes, a different computer

17   system than the computer system that generated Boyst 4,

18   the activity log?

19   A.   That is correct.

20   Q.   Do you know whether in the -- and I'm sorry,

21   what did you call the system from which the activity log

22   is generated?

23   A.   It is the software system that the clients use.

24   Q.   Got it. In connection with the software system

25   used by clients, if a consumer is disputing a non-match,

BECKY BOYST

1   is it supposed to show up in the same fashion as we see

2   it for Ms. Jones on August 29th, 2017?

3   MR. RAETHER: Objection to form.

4   A. Yeah, I'm not sure exactly what you're asking

5   me.

6   Q. I'm asking you whether the way the system works

7   is that, for every case of a disputed non-match, there's

8   supposed to be an entry in the activity log that says,

9   consumer disputes non-match, just like we see for

10   Ms. Jones dated August 29, 2017?

11   A. That's correct.

12   Q. And in every case where the criminal record is

13   removed, is the software system for clients supposed to

14   have the entry, reverse final decision, just like we see

15   for Ms. Jones?

16   A. I'm not really sure.

17   Q. Okay. Now the Salesforce system that you

18   testified about earlier, would that system categorize

19   non-match disputes like Ms. Jones' in a particular way?

20   A. Only as the non-match category where the

21   consumer submitted it.

22   Q. Okay. So there's a non-match category within

23   Salesforce where we could search for non-match disputes?

24   A. If the consumer submitted it that way and

25   identified it, it will show it as a non-match in

BECKY BOYST

1 Salesforce.

2   Q. And -- (inaudible).

3   THE REPORTER: The beginning of that broke

4 up. The beginning of the question broke up. Can you

5 repeat it? The beginning of the question broke up.

6   Q. What I said is, presumably, if we were to look

7 within the Salesforce system for non-match disputes in

8 August of 2017, we should be able to locate Ms. Jones'

9 dispute of a non-match, correct?

10   A. That is correct.

11   Q. Would the Salesforce system also tell us the

12 categories when the non-match was confirmed and the

13 record was removed?

14   A. No.

15 REDAC ████ ████   ████████████████████

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22   A. That would be by a report that's run from

23 Salesforce.

24   Q. Okay. So what report would tell us the number

25 of removals?

BECKY BOYST

1   A. It would be the same report that we use to pull

2   the overall numbers.

3   Q. Got it. Okay. So that data, about both

4   disputes and removals, is available within Salesforce as

5   well, correct?

6   A. It is.

7   Q. Okay. Now other than the software system for

8   clients, about which you testified in connection with

9   Boyst 4, and the Salesforce system that you testified in

10   connection with Boyst 3, are you aware of any other

11   computer system at RealPage which would track the number

12   of non-match disputes and removals?

13   A. I am not.

14   Q. All right. Am I correct that at RealPage

15   non-match situations are always tracked in connection

16   with consumer disputes?

17   A. Correct.

18   Q. Are you aware of any type of a survey or any

19   type of a study that searched for non-matches, even in

20   cases where a consumer did not dispute directly with

21   RealPage?

22   A. No, I am not.

23   Q. In your seven years at the company, are you

24   ever aware of a scenario where the company just audited

25   500 of its reports or a thousand of its reports or some

BECKY BOYST

1   other number, independent of consumer disputes, to look

2   for non-matches?

3   A. I am not.

4   Q. Okay. Do you know whether anyone within

5   operations ever considered doing that type of a audit

6   for non-matches?

7   A. I do not know, sir.

8   Q. Now with respect to the number of confirmed

9   non-matches that we have, if we wanted to get the name

10 and address of the tenant applicant, that information

11 would also be within the Salesforce system, correct?

12   A. If it was provided to us, correct.

13   Q. Okay. And are you familiar with the policies

14 and procedures about what type of information is

15 generally required in terms of a name and address for an

16 application to get started?

17   A. On the application-submitted side, no, I am

18 not.

19   Q. Okay. Now with respect to Ms. Jones, am I

20 correct that she didn't submit a dispute -- a dispute

21 form?

22   A. Can you repeat that, please?

23   Q. Yeah, let me see if a document would help.

24   MR. SOUMILAS: Let's please mark as Boyst 5

25 the form, consumer dispute, that's at Bates 41 and 42.

BECKY BOYST

1   Q. Let me know when you have that in front of you,

2 ma'am.

3   (Exhibit No. 5 marked.)

4   THE REPORTER: I have marked it.

5   Q. Have you seen Boyst 5 in preparing to give

6 testimony today, Ms. Boyst?

7   A. I have seen this form, yes.

8   Q. Okay. And does it appear to be in the format

9 you use at RealPage for processing consumer disputes?

10   A. It is.

11   Q. How does a consumer get access to a form like

12 this in order to lodge a dispute?

13   A. A consumer can file a dispute in several ways.

14 One of them is through the web portal, the other one is

15 to call us and provide us with a statement that says

16 they want to dispute an action on their report.

17   Q. Okay. And would -- would either of those

18 situations result in the creation of a form consumer

19 dispute, whether it's through the portal or through the

20 phone?

21   A. It would.

22   Q. And for this particular dispute of Ms. Jones,

23 do you know whether it was generated through the web

24 portal or through a phone conversation?

25   A. I can't recall without looking at the case.

BECKY BOYST

1   Q. Okay. If you look at the second page of the

2 document, ma'am, there's some language written at the

3 top, it says, if you are disputing a criminal charge,

4 please provide the specific cases you wish to dispute as

5 well as the reasons, and then underneath that section,

6 it says, consumer is disputing non-match records stating

7 that she has never lived in Georgia. Do you see that?

8   A. I do see it.

9   Q. (Inaudible.)

10   THE REPORTER: Mr. --

11   MR. RAETHER: I don't think you can talk

12 over each --

13   THE REPORTER: You broke up, can you repeat

14 the question?

15   MR. SOUMILAS: Yes, I'm sorry.

16   Q. Given that entry on the second page, could you

17 tell, Ms. Boyst, whether this was a dispute through the

18 web portal or through the phone?

19   A. It was through the phone.

20   Q. Okay. And then a -- an operator at RealPage

21 would have used this language of consumer is disputing

22 non-match records, correct?

23   A. That is correct.

24   Q. Because that's internal lingo, the operator

25 would know that type of a dispute. It's unlikely that

BECKY BOYST

1   Ms. Jones would use the word "non-match," correct?

2   MR. RAETHER: Objection, form, calls for

3   speculation.

4   A.   I would --

5   Q.   Yeah, let me try it again.   How would you

6   know -- why do you say that it was through a call and

7   that the operator would have used this language?

8   A.   Because it says, stating that she has never

9   lived in Georgia.

10   Q.   Okay.   Are there situations where a consumer

11   calls about some type of a criminal dispute, but the

12   operator handling the call decides not to label it as a

13   non-match?

14   A.   There are.

15   Q.   So it could happen where, in the judgment of

16   the operator, the dispute is of some different nature,

17   not a non-match nature?

18   A.   I would not say that, no.

19   Q.   Are there any situations that you've been aware

20   of in your years at the company where an operator made a

21   mistake in characterizing a dispute?

22   A.   Honestly, I do not recall.

23   Q.   You do agree that in this case the dispute was

24   properly characterized for Ms. Jones as a non-match,

25   correct?

BECKY BOYST

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1        A.  That is correct.

2        Q.  Do you agree that it was a non-match situation

3   in this case --

4        A.  It is.

5        Q.  -- of Ms. Jones?

6        A.  It is.

7             MR. RAETHER:  You just need to wait for the

8   question, especially given the telephone

9   communication --

10            THE WITNESS:  Okay.  I'm sorry.

11            MR. RAETHER:  -- issues we're having.

12            Hey, John, when you get to a good point,

13   can we have a break?  We've been going about an hour.

14            MR. SOUMILAS:  So this is a good point.

15   How about, do you want a break now?

16            MR. RAETHER:  Let's do maybe five minutes.

17            MR. SOUMILAS:  That's fine.  I'm going to

18   put the phone on mute but keep the connection going.

19            THE VIDEOGRAPHER:  We are now off the

20   record.  The time is 10:09 a.m.

21            (Recess taken from 10:09 to 10:25 a.m.)

22            THE VIDEOGRAPHER:  We are now back on the

23   record.  The time is 10:25 a.m.

24        Q.  (BY MR. SOUMILAS)  Ms. Boyst, let's spend a few

25   more minutes with a dispute form that we've marked as
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BECKY BOYST

1 Boyst 5. Do you have still have that in front of you?

2   A. I do.

3   Q. Okay. (Inaudible) dispute form was generated

4 as a result of a telephone call because of the

5 description that we see on the second page about the

6 nature of the dispute, correct?

7   THE REPORTER: The beginning of the

8 question broke up.

9   Q. Let me try again. With respect to the dispute

10 form that we have as Boyst 5, you said that we know that

11 was generated as a result of a telephone call because of

12 how the dispute is characterized on the second page,

13 correct?

14   A. Correct.

15   Q. That characterization was made by a RealPage

16 employee who took Ms. Jones' call?

17   A. Could you repeat that question, please?

18   Q. Yes. Would you agree with me that the

19 characterization that we see on page 2 of Boyst 5 would

20 have been made by a RealPage employee?

21   A. Correct.

22   Q. Now, if the dispute was generated through a web

23 portal, would the language that we see on page 2 be the

24 consumer's actual words that they typed into the web

25 portal?

BECKY BOYST

1   A.   They would be the consumer's words, yes.

2   Q.   Okay. What I'm trying to do is understand how

3 the dispute form and the words used, either by the

4 consumer herself or by the agent at RealPage taking the

5 call, translates to some entry into the Salesforce

6 system which characterizes the dispute as, quote, a

7 non-match.

8   A.   And your question is?

9   Q.   My question is, is it a person at RealPage that

10 enters the dispute into the system as a non-match?

11   A.   The -- if it is a web system, it is auto sent

12 and characterized as a non-match.

13   Q.   And if it's a telephone call?

14   A.   If it's a telephone call and the consumer says

15 the record does not belong to them, it is entered as a

16 non-match.

17   Q.   By a RealPage employee?

18   A.   Correct.

19   Q.   Yeah. So those are the two scenarios in which

20 we would see a characterization of a non-match within

21 Salesforce, either an auto-generated one through the web

22 portal or a manually generated one through a RealPage

23 employee --

24   A.   That's correct.

25   Q.   -- correct?

BECKY BOYST

1   Now going back to Boyst 3 for a moment and

2   look at page 6 again, where we have that statistical

3   information about the number of non-match disputes and

4   the number of removals; do you recall that?

5   A. I do.

6   Q. And at least according to my calculator, it

7   looks like about two-thirds -- in two-thirds of the

8   cases, the criminal record is removed. Does that look

9   about right to you?

10   A. Yes.

11   Q. In the remaining one-third of the cases where

12   the criminal record is not removed, could you confirm

13   for us today that in those cases the tenant applicant

14   actually committed the crime?

15   A. I cannot.

16   Q. Okay. Is the fact that a record is not removed

17   following a non-match dispute an indication that the

18   disputing consumer is actually the criminal?

19   A. No, sir.

20   Q. Is the fact that a record is not removed simply

21   an indication that, according to RealPage's matching

22   criteria, there's enough personal identifiers matching

23   between the criminal record and the consumer who is

24   applying for an apartment?

25   MR. RAETHER: Objection, lack of

BECKY BOYST

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 1   foundation, calls for speculation.
 2        A.   Can you restate that, please?
 3        Q.   Yes.  What does it mean when, in about a third
 4   of the cases, the record is not removed, what does that
 5   indicate to you?
 6        A.   It indicates that some portion of that record
 7   was accurate.
 8        Q.   Some portion of the record was accurate?
 9        A.   Correct.
10        Q.   So that means that some part of the criminal
11   record has information on it that's the same as the
12   tenant applicant?
13        A.   That would be correct.
14        Q.   But not all of the information matches,
15   correct?
16        A.   I don't know that.
17        Q.   How come you don't know the answer to that?
18        A.   Because I don't remember all of that.
19        Q.   Okay.  You're certainly not here today to
20   testify that for the one-third or so of the records that
21   stay on that that means that those people committed
22   crimes, it just means that some part of the criminal
23   record has some information that matches?
24             MR. RAETHER:  Objection to form.
25        Q.   Is that your testimony?
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BECKY BOYST

1   A.   Can you say that, again, please?

2   Q.   Yeah. By saying only that some part of the

3   criminal record matches, that's not the same thing as

4   saying that those people actually committed the crimes?

5   A.   I don't know the answer to that.

6   Q.   Okay. Has RealPage ever conducted any type of

7   an audit or a study to determine what percentage of the

8   non-match disputes which result in the record not being

9   removed are situations where the applicant actually

10   committed a crime and has that criminal record about

11   them?

12   A.   I do not know.

13   Q.   Have you ever heard of any type of an audit or

14   a study to look at what's going on with the non-match

15   situations where the record is not removed?

16   A.   I have not.

17   Q.   Okay. I take it if the criminal record is not

18   removed, then it just stays on that person's file at

19   RealPage, correct?

20   MR. RAETHER: Objection to form.

21   A.   I would not that say.

22   Q.   Okay. So what happens in situations of a

23   dispute of a non-match where RealPage does not remove

24   the criminal record?

25   A.   I don't know the answer to that.

BECKY BOYST

1   Q.   Do you know what happens in situations where

2   there's a dispute of a non-match and then RealPage

3   decides to remove a criminal record, like it did with

4   Ms. Jones?

5   A.   I'm not sure what you're asking me.

6   Q.   I'm asking you what happens to that record, is

7   there some procedure in place as to how to deal with

8   that record appearing on that applicant's report in the

9   future?

10   A.   There is.

11   Q.   Okay. Could you tell me what happens, what's

12   the procedure?

13   A.   In a conversation with another colleague, I

14   understand those records that are removed are put into a

15   table and any subsequent data is run against that table,

16   if the record is there, it is automatically removed.

17   Q.   Okay. You said you learned this by speaking

18   with a colleague?

19   A.   That is correct.

20   Q.   Who was that?

21   A.   I'm sorry?

22   Q.   What's the name of the person you spoke with?

23   A.   I don't remember.

24   Q.   (Inaudible.)

25   THE REPORTER: Could you repeat the

BECKY BOYST

1 question?

2   MR. SOUMILAS: Yes.

3   Q. When did you speak with this colleague?

4   A. Yesterday.

5   Q. All right. Is it somebody who you generally

6 interact with at RealPage, or is it somebody that you've

7 never seen before?

8   A. I do not generally interact with that person.

9   Q. Okay. Other than speaking with this colleague

10 yesterday, whose name you don't remember, did you do

11 anything else to prepare to testify about Area 15 of the

12 Notice of Deposition, which calls for testimony on the

13 policies and procedures for ensuring that after RealPage

14 revises a consumer report about an individual to remove

15 a criminal record after area investigation, that the

16 criminal record is not included on subsequent reports

17 about that same individual?

18   A. I did not.

19   Q. Do you, in your line of work, regularly work

20 with this table that you just mentioned?

21   A. I do not.

22   Q. Do you know whether there's some way of

23 searching within Salesforce for situations where a

24 record was removed after a non-match dispute, but then

25 there was a -- a report down the road that included it?

BECKY BOYST

1   A.   I'm not aware of a report like that.

2   Q.   Did you even look into that to see if it was

3   possible?

4   A.   I did not.

5   Q.   All right. As far as you could tell concerning

6   your -- RealPage's interactions with Ms. Jones, were her

7   interactions with your part of the business that deals

8   with the disclosures and disputes typical?

9   MR. RAETHER: Objection, vague and

10   ambiguous.

11   Q.   Do you understand the question?

12   A.   Can you repeat it in a different way, please?

13   Q.   Was there anything unusual about how Ms. Jones

14   communicated with RealPage about her background report?

15   A.   It was not.

16   Q.   Was there anything unusual about how Ms. Jones'

17   dispute was processed as a non-matching dispute?

18   A.   No, sir.

19   Q.   Was there anything unusual about how RealPage

20   decided to remove the criminal records after it

21   confirmed that it was a non-match?

22   A.   Can you restate that? The first part of it cut

23   out.

24   Q.   Was there anything unusual about the part of

25   the process where RealPage decided that it was going to

BECKY BOYST

1   remove a non-matching criminal record?

2   A.   I don't know the answer to that because I

3   didn't do that investigation.

4   Q.   All right. Is there any part of Ms. Jones'

5   interactions with RealPage that you considered to have

6   been abnormal or not standard operating procedure?

7   A.   No, sir.

8   Q.   With respect to her requests for a copy of her

9   file, do you know whether Ms. Jones requested that

10 RealPage mail to her a copy of her file?

11   A.   I do not know.

12   Q.   Okay. But that's your department that would

13 handle that type of a request, correct?

14   A.   That is correct.

15   Q.   Okay. If a consumer were to make a request for

16 their file, how would your department usually provide

17 that file to the consumer?

18   MR. RAETHER: Objection to form.

19   Go ahead.

20   A.   The consumer asks us -- determines how they

21 want to receive the file.

22   Q.   Okay. And could that be by e-mail or by

23 regular mail?

24   A.   Could what be by e-mail or regular mail?

25   Q.   Could the file be delivered to the consumer

BECKY BOYST

1   either by e-mail or regular mail?

2   A.   Yes, it can.

3   Q.   Any other way besides those two forms of

4   communication?

5   A.   Those are the two forms of communication.

6   Q.   Do you know whether RealPage mailed to

7   Ms. Jones information about her background report to a

8   University Heights, Ohio, address where she lived?

9   A.   I don't recall.

10   Q.   Do you know whether, after her dispute,

11   RealPage communicated with Ms. Jones via mail to her

12   University Heights, Ohio, address where she lived?

13   A.   I do not know, sir.

14   Q.   Let me show you one more document, which we'll

15   mark as Boyst 6 for purposes of today. It's Bates

16   number 46 through 49.

17   (Exhibit No. 6 marked.)

18   THE REPORTER: I have it marked.

19   MR. SOUMILAS: Okay.

20   Q.   And is this a type of document that you've seen

21   before in your day-to-day work with RealPage?

22   A.   It is.

23   Q.   And what is this document?

24   A.   It is a request for a file copy.

25   Q.   Okay. And it appears to be mailed to a

BECKY BOYST

1   Diane D. Jones at a University Heights, Ohio, address,

2   correct?

3   A.   That's what I'm reading.

4   Q.   And this would be one of the typical ways in

5   which RealPage communicates with consumers who want

6   information from your department?

7   A.   That is correct.

8   Q.   All right.

9   MR. SOUMILAS: Why don't we go off the

10   record for a moment, please. I think I'm just about

11   done.

12   THE VIDEOGRAPHER: We are now off the

13   record. The time is 10:44 a.m.

14   (Recess taken from 10:44 to 10:46.)

15   THE VIDEOGRAPHER: We are now back on the

16   record. The time is 10:46 a.m.

17   MR. SOUMILAS: Ms. Boyst, I don't have

18   anything further for you. Thank you very much for your

19   time this morning.

20   THE VIDEOGRAPHER: We are now off the

21   record --

22   MR. RAETHER: Hold on, hold on. So I don't

23   have any questions. The witness would like to read and

24   sign.

25   I think there's a protective order in

BECKY BOYST

```
 1  place, John, that prescribes the procedure for

 2  designating confidentiality, and we'll follow that

 3  process outlined in the protective order.

 4            MR. SOUMILAS:  So there is no protective

 5  order in this case, but there is a confidentiality

 6  agreement, and if it does provide any procedure for

 7  marking things confidential, please let us know very

 8  promptly.  As you know, we have a filing deadline within

 9  a week, so we need to know how to deal with that early

10  part of next week.

11            My only request is that the exhibits, which

12  we marked as Boyst 1 through 6, be made part of the

13  transcript and attached to it.  Thank you.

14            MR. RAETHER:  My apologies for misspeaking.

15  It's a confidentiality agreement, and we'll work with

16  you, John, to help you meet the Court's deadline.

17            MR. SOUMILAS:  Okay.  Thank you.  So are we

18  prepared to go off the record for this witness?

19            MR. RAETHER:  Yes.

20            THE VIDEOGRAPHER:  We are now off the

21  record.  The time is 10:48 a.m.

22            (Deposition concluded at 10:48 a.m.)

23

24

25
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BECKY BOYST

```
 1   STATE OF TEXAS     )

 2        I, Christine Simons, Certified Shorthand Reporter

 3   in and for the State of Texas, hereby certify to the

 4   following:

 5        That the witness, BECKY BOYST, was duly sworn and

 6   that the transcript of the oral deposition is a true

 7   record of the testimony given by the witness and the

 8   statements of counsel;

 9        That review and signature was reserved;

10        I further certify that I am neither counsel for,

11   related to, nor employed by any of the parties or

12   attorneys in the action in which this proceeding was

13   taken, and further that I am not financially or

14   otherwise interested in the outcome of the action.

15        Certified to by me this 12th day of August, 2019.

16

17

18                        /s/Christine Simons
                         Christine Simons, Texas CSR 11181
19                       Expiration Date:  7/31/2021
                         Summit Court Reporting, Inc.
20                       1500 Walnut Street, Suite 1610
                         Philadelphia, Pennsylvania 19102
21                       (215)985-2400

22

23

24

25
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BECKY BOYST

1   INSTRUCTIONS TO THE WITNESS

2   Read your deposition over carefully

3   It is your right to read your deposition and make

4   changes in form or substance. You should assign a

5   reason in the appropriate column on the errata

6   sheet for any change made.

7   After making any changes in form or

8   substance which have been noted on the following

9   errata sheet along with the reason for any change,

10   sign your name on the errata sheet and date it.

11   Then sign your deposition at the

12   end of your testimony in the space provided. You

13   are signing it subject to the changes you have

14   made in the errata sheet, which will be attached

15   to the deposition before filing. You must sign it

16   in front of a witness. Have the witness sign in

17   the space provided. The witness need not be a

18   notary public. Any competent adult may witness

19   your signature.

20   Return the original errata sheet to

21   your counsel promptly. Court rules require filing

22   within thirty days after you receive the

23   deposition.

24

25

BECKY BOYST

```
1                        ERRATA SHEET

2       Attach to Deposition of:  Becky Boyst
        Taken on:  August 9, 2019
3       In the matter of:  Jones, et al. v. Realpage, Inc.,
                             et al.
4       PAGE           LINE NO.        CHANGE          REASON

5       _____

6       _____

7       _____

8       _____

9       _____

10      _____

11      _____

12      _____

13      _____

14      _____

15      _____

16      _____

17      _____

18      _____

19      _____

20      _____

21      _____

22      _____

23      _____

24      _____

25
```

BECKY BOYST

```
 1                      SIGNATURE PAGE

 2

 3                          -  -  -

 4

 5                      I hereby acknowledge that I have

 6      read the aforegoing transcript, dated August 9,

 7      2019, and the same is a true and correct

 8      transcription of the answers given by me to the

 9      questions propounded, except for the changes, if

10      any, noted on the Errata Sheet.

11

12                          -  -  -

13

14

15

16

17      SIGNATURE:      _____
                                 Becky Boyst
18

19      DATE:           _____

20

21      WITNESSED BY:   _____

22

23

24

25
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waiving 19:14

Walnut 1:23 50:20
want 9:25 15:1
  18:14 23:11 24:9
  34:16 37:15 46:21
  48:5
wanted 18:12 19:25
  33:9
way 26:13 30:6,19
  30:24 44:22 45:12
  47:3
ways 34:13 48:4
we'll 12:25 23:1
  47:14 49:2,15
we're 14:7 23:12
  37:11
we've 26:23 37:13
  37:25
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  38:22,24 39:11,21
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went 29:1
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wish 10:22 35:4
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  5:24 37:10 48:23
  49:18 50:5,7 51:1
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  39:1,3
work 9:2 24:20
  44:19,19 47:21
  49:15
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works 30:6
wouldn't 21:16
wrapped 27:19
written 35:2
www.summitrep...
  1:25

X

Y

Yeah 30:4 33:23
  36:5 39:19 42:2
year 9:10 17:10,10
  17:15 18:8
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  32:23 36:20
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York 2:14

Z

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08037 1:24

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1 4:10 7:3,6 49:12
1:19-cv-501-JG 1:7
  5:7
10:09 37:20,21
10:25 37:21,23
10:44 48:13,14
10:46 48:14,16
10:48 1:15 49:21,22
11 4:17 28:21
11,232 20:10 21:6
  31:19
11181 50:18
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11682 2:22
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14 4:12 13:5
1400 2:18
15 7:15 24:23 44:11
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1600 2:5,9
1610 1:23 50:20
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17,000 29:6
17,000-plus 29:16
17,104 19:15 20:9
  21:6 31:18
18 4:13
19102 1:23 50:20
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2 4:12 13:18,25
  14:1,5 38:19,23
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  14:15,20
2013 13:5 15:21
  16:1
2014 15:21 16:1
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2017 4:17 20:1
  24:23 25:18 28:9
  28:21 30:2,10
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29 30:10
29th 26:15 28:8
   30:2

─────────────── **3** ───────────────
3 4:13 18:19,22
   29:7 31:15 32:10
   40:1
30(b)(6) 5:24,25
300 2:13
325-7243 3:3
34 4:16

─────────────── **4** ───────────────
4 4:15 23:12,19
   29:17 32:9
400 2:22
41 33:25
42 33:25
424 1:24
447-8648 1:24
46 47:16
47 4:17
49 47:16

─────────────── **5** ───────────────
5 2:18 4:16 19:11
   33:24 34:3,5 38:1
   38:10,19
500 32:25
509-6044 2:23
538 13:23
541 13:23
56 23:13
567-3315 1:24
575-4175 2:14
59 4:15 23:18

─────────────── **6** ───────────────
6 4:5,17 20:7 31:17
   40:2 47:15,17
   49:12
609 1:24
610 13:24
614 16:14
622-2722 2:19
623 13:24
65 22:7
69 15:5,15 16:5
6th 19:17

─────────────── **7** ───────────────
7 4:10
7/31/2021 50:19
73 16:13

735-8600 2:6,10
75082 1:18 3:2

─────────────── **8** ───────────────
800 1:24
82 15:15 16:6
858 2:23
877 3:3

─────────────── **9** ───────────────
9 1:14 7:9 52:2 53:6
9:10 1:14 5:3
92130 2:23
92614 2:19
929 2:14
949 2:19
985-2400 1:24
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Exhibit 13

INTERSTATE REALTY MANAGEMENT	Marietta Road High-rise 2295 Marietta Rd NW Atlanta, GA 30318 Phone: 404.606.7803/Fax:404.724.4178 For TTY/Relay Service Dial 711

Date: Diane D. Jones

RE: Suitability Denial Notice – Criminal History

Diane D. Jones:

Please be advised that we have determined that you will be denied or determined ineligible for housing program assistance because you or a member of your household have an unacceptable record of criminal and/or drug related activity. We have attached the criminal history record which includes the offense which this decision is based. Specifically, the denial is based on the following offenses: **See attached.**

You have the right to an informal review if you disagree with this decision. If you request an informal review, management will schedule an informal review with a person who did not make the decision. Informal reviews are held by appointment only. **You have ten (10) days form the date of receipt of this letter (which shall be deemed to be no later than thirteen (13) days form the date of this letter) to request review in writing.**

For your convenience, we have included an Informal Review Request Form that you may complete and return to the management office. If you require further assistance with making a written request, your may come into the management office before the end of the ten (10) day period to request assistance with your written request. Written requests for an informal review must be mailed to the following address listed above. If you do submit a written request for an informal review within this time period, the decision will be considered final.

Prior to the informal review, you may request an opportunity to examine your application file and to copy any relevant documents at your cost. At the informal review, you may present evidence of mitigating circumstances, the severity of the crime, rehabilitation or any facts that show you would not pose a danger to the community. You may also bring witnesses, representative, (including attorneys) or letters of support to the informal review. In the event we present any witnesses, you will have a right to cross-examine them.

If you did not commit the criminal offense and you have been cleared of criminal charges, you must bring to the hearing document showing the final disposition of the charges.

If you have questions about the informal review process or if you require a reasonable accommodation with respect to the review process due to a disability, please contact 404.609.7803.

Sincerely,
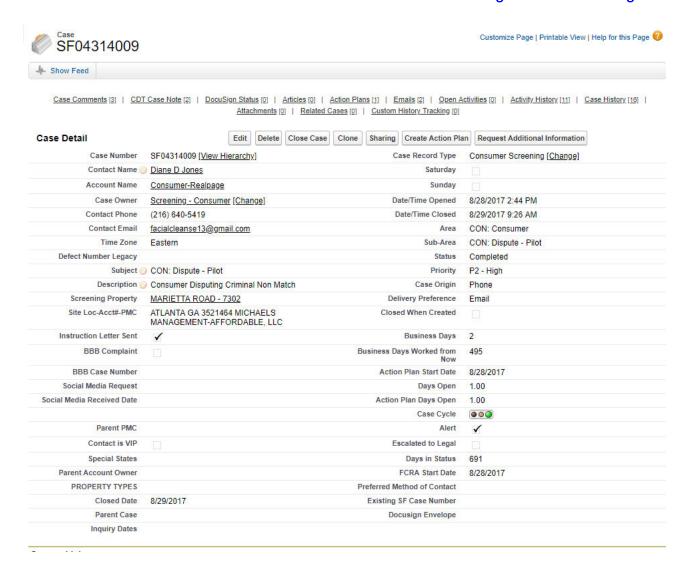
Janice R. Hall

Janice Hall
Property Manager

Form AHA-10
Issue Date: 10/01/07

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Page 1 of 1
DIANE_D_JONES_REALPAGE_00003

Exhibit 14

Case
SF04314009

+ Show Feed

Case Comments [3] | CDT Case Note [2] | DocuSign Status [0] | Articles [0] | Action Plans [1] | Emails [2] | Open Activities [0] | Activity History [11] | Case History [16] | Attachments [0] | Related Cases [0] | Custom History Tracking [0]

Case Detail   Edit   Delete   Close Case   Clone   Sharing   Create Action Plan   Request Additional Information

Case Number	SF04314009 [View Hierarchy]	Case Record Type	Consumer Screening [Change]
Contact Name	Diane D Jones	Saturday	☐
Account Name	Consumer-Realpage	Sunday	☐
Case Owner	Screening - Consumer [Change]	Date/Time Opened	8/28/2017 2:44 PM
Contact Phone	(216) 640-5419	Date/Time Closed	8/29/2017 9:26 AM
Contact Email	facialcleanse13@gmail.com	Area	CON: Consumer
Time Zone	Eastern	Sub-Area	CON: Dispute - Pilot
Defect Number Legacy		Status	Completed
Subject	CON: Dispute - Pilot	Priority	P2 - High
Description	Consumer Disputing Criminal Non Match	Case Origin	Phone
Screening Property	MARIETTA ROAD - 7302	Delivery Preference	Email
Site Loc-Acct#-PMC	ATLANTA GA 3521464 MICHAELS MANAGEMENT-AFFORDABLE, LLC	Closed When Created	☐
Instruction Letter Sent	✓	Business Days	2
BBB Complaint	☐	Business Days Worked from Now	495
BBB Case Number		Action Plan Start Date	8/28/2017
Social Media Request		Days Open	1.00
Social Media Received Date		Action Plan Days Open	1.00
		Case Cycle	●●●
Parent PMC		Alert	✓
Contact is VIP	☐	Escalated to Legal	☐
Special States		Days in Status	691
Parent Account Owner		FCRA Start Date	8/28/2017
PROPERTY TYPES		Preferred Method of Contact	
Closed Date	8/29/2017	Existing SF Case Number	
Parent Case		Docusign Envelope	
Inquiry Dates			

Custom Links

	Digital Dashboard	OneSite IA	Report Manager
	Equifax	Experian	TransUnion
	DNB	Domin 8	

G Drive Folder   Consumer Dispute Electronic Records 2017\1-Criminal Non-Match\Jones, Diane D 9799

G Drive Link   Link

▼ **Screening Detail**

Identity Theft	☐	Sent Non-Response Letter	☐
Identity Theft Date/Time		Non-Response Letter Sent Date and Time	
Attorney/Firm Name		Sent Post-Closure Vendor Response	☐
Rental History 2nd Notice	☐	Post-Closure Date and Time	
2nd Notice Sent			

▼ **CDT**

		CDT Escalation ⊘	
Suppressed	Completed	Updated	
CDT Consumer Comments	The criminal information included in the report provided to Marietta Road apartment community on 8/15/2017 was derived from public records from the Georgia Dept of Corrections (SPL). Based upon our investigation, we have determined that the records do not belong to you and the records will be removed from your file.	CDT Client Comments	The criminal information included in the report provided on 8/15/2017 was derived from public records. Based upon our investigation, we have determined that the records reported do not belong to your applicant and the records will be removed from the applicants file.
Days in Escalation	0	Days Pending SUPPRESSION	0
Days Pending UPDATE	0	SUPPRESSION/UPDATE NOTES	non match based on name

▼ **System Information**

Created By	MarcoAngelo Losantas, 8/28/2017 2:44 PM	Last Modified By	RaymondJohn Eustaquio, 8/29/2017 9:26 AM
		Last Modified By Owner	

▼ **Bulk Task Section**

Tasks   [Update Tasks] [Refresh Tasks]

Id	Subject	Status	Owner	Comments
▼	▼	▼	▼	
00T3700001IWk6bEAD	Obtain Consumer info- Set Dispute Type	Completed	RaymondJohn Eusta	
00T3700001IWkOHEA1	Review Screening /Escalate to CDT	Completed	RaymondJohn Eusta	
00T3700001IWkSvEAL	Call	Completed	RaymondJohn Eusta	Left detailed VM to consumer and advise that dispute I
00T3700001IWkfBEAT	CDT Results/Response Entered	Completed	Jennifer Castillo	
00T3700001IXQrdEAH	Record Suppressed Updated	Completed	Jennifer Castillo	
00T3700001IXQreEAH	Notify Client Update OneSite	Completed	RaymondJohn Eusta	
00T3700001IXQrfEAH	Send Closing Letter to Consumer	Completed	RaymondJohn Eusta	
00T3700001IXkQyEAL	Call	Completed	RaymondJohn Eusta	Spoke to Aisha (Leasing Agent) and provided the resul
00T3700001IXliuEAD	Call	Completed	RaymondJohn Eusta	Left detailed VM to consumer informing the result on h
00T3700001IXm3yEAD	Email: Consumer Dispute Results for Diane D Jones - C	Closed Cancelled	RaymondJohn Eusta	Additional To: facialcleanse13@gmail.com CC: BCC: ra
00T3700001IXmDjEAL	Email: Diane D Jones - LeasingDesk Screening Consur	Closed Cancelled	RaymondJohn Eusta	Additional To: mariettaroad@tmo.com CC: BCC: raymo

Case Comments

New

Case Comments Help ?

Action	Public	Comment
Edit | Del | Make Public		**Created By: RaymondJohn Eustaquio** (8/29/2017 9:18 AM) Outbound Email: sent consumer and property reinvestigation results; added activity note in OneSite
Edit | Del | Make Public		**Created By: Terry Heronime** (8/28/2017 3:06 PM) | **Last Modified By: Terry Heronime** (8/28/2017 3:12 PM) Direct Call - Took phone call from Marco, verified consumer's identity with PII (SSN and DOB) and followed along with the information the consumer was providing. She stated that records were reporting for names that weren't even hers from a place she's never been. I informed the consumer that we would escalate this as a NM case and have a response in 24 hours. DOB: 08/13/1961 SSN: xxx-xx-9799
Edit | Del | Make Public		**Created By: MarcoAngelo Losantas** (8/28/2017 2:50 PM) Consumer wants to speak wit ha supervisor. She is asking on how our software works because it pulled up information that are incorrect. Already said tat she can file a dispute so we can check if its really not her. Consumer insist on speaking to a supervisor because if not she will be contacting her lawyer. [8/28/2017 2:48 PM] Terry Heronime: 1 sec [8/28/2017 2:48 PM] MarcoAngelo Losantas: thanks [8/28/2017 2:49 PM] Terry Heronime: 1016211 [8/28/2017 2:49 PM] MarcoAngelo Losantas: thank you

CDT Case Note

New CDT Case Note

CDT Case Note Help ?

Action	CDT Case Notes Name	CDT Note	Created Date	Created By
	CDTNotes-34947	**Updated** 3521464 Marietta Road - 7302 59 Consumer disputing non-match criminal records. Date of Birth: 8/13/1961 Last 4 of Social: xxx - xx - 9799	8/28/2017	RaymondJohn Eustaquio, 8/28/2017 4:03 PM
	CDTNotes-34945	Consumer disputing non-match criminal records. Date of Birth: 8/13/1961 Last 4 of Social: xxx - xx - 9799	8/28/2017	RaymondJohn Eustaquio, 8/28/2017 4:02 PM

DocuSign Status

DocuSign Status Help ?

No records to display

Articles

Find Articles

Articles Help ?

No Articles Attached

Action Plans

New Action Plan

Action Plans Help ?

Action	Action Plan Name	Start Date	Step Total	WhatId	Owner Last Name	Overall Task Status	Last Modified Date
Edit | Del	CON: Dispute - Pilot -	8/28/2017	6		Eustaquio	6 of 6 Completed	8/29/2017

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Emails   Send an Email   Emails Help ?

Action	Status			Subject		Email Address	Message Date
Reply | To All | Del	Sent			Consumer Dispute Results for Diane D Jones - Case # SF04314009 [ref:_00D0... *Dear Diane D Jones, Thank you for contacting us regarding your issue. We wou...*		facialcleanse13@gmail.com	8/29/2017 9:24 AM
Reply | To All | Del	Sent			Diane D Jones - LeasingDesk Screening Consumer Dispute Reinvestigation Result... *Recently, LeasingDesk Screening received a Consumer Dispute from applicant Di...*		mariettaroad@tmo.com	8/29/2017 9:21 AM

Open Activities   New Task   New Event   Open Activities Help ?

No records to display

Activity History   Log a Call   Mail Merge   Send an Email   View All   Activity History Help ?

Action	Subject	Name	Assigned To	Last Modified Date/Time	Completed Date	Comments (Short)	Time in Minutes	Call Duration
Edit | Del	Send Closing Letter to Consumer		RaymondJohn Eustaquio	8/29/2017 9:25 AM	8/29/2017			
Edit | Del	Notify Client Update OneSite		RaymondJohn Eustaquio	8/29/2017 9:25 AM	8/29/2017			
Edit | Del	Email: Consumer Dispute Results for Diane D Jones - Case # SF04314009 [ref:_00D00heZB._50037DNtLS:ref]	Diane D Jones	RaymondJohn Eustaquio	8/29/2017 9:24 AM				
Edit | Del	Email: Diane D Jones - LeasingDesk Screening Consumer Dispute Reinvestigation Results [ref:_00D00heZB._50037DNtLS:ref]		RaymondJohn Eustaquio	8/29/2017 9:21 AM				
Edit | Del	Call	Diane D Jones	RaymondJohn Eustaquio	8/29/2017 9:18 AM	8/29/2017	Left detailed VM to consumer informing the result on his dispute, mentioned that email will be sent shortly.		
Edit | Del	Call	Diane D Jones	RaymondJohn Eustaquio	8/29/2017 9:15 AM	8/29/2017	Spoke to Aisha (Leasing Agent) and provided the result on consumer's dispute.		
Edit | Del	Record Suppressed Updated		Jennifer Castillo	8/29/2017 5:07 AM	8/29/2017			
Edit | Del	Obtain Consumer info- Set Dispute Type		RaymondJohn Eustaquio	8/29/2017 5:07 AM	8/28/2017			
Edit | Del	Call	Diane D Jones	RaymondJohn Eustaquio	8/28/2017 4:07 PM	8/28/2017	Left detailed VM to consumer and advise that dispute has been forwarded for research		
Edit | Del	CDT Results/Response Entered		Jennifer Castillo	8/29/2017 5:07 AM	8/29/2017			
Edit | Del	Review Screening /Escalate to CDT		RaymondJohn Eustaquio	8/29/2017 5:07 AM	8/28/2017			

Case History

Case History Help (?)

Date	User	Connection	Action
8/29/2017 9:26 AM	RaymondJohn Eustaquio		Changed **Status** from Closing letter/Resp Sent Consumer/Atty to **Completed**.
			Closed.
8/29/2017 9:24 AM	RaymondJohn Eustaquio		Changed **Status** from Suppress/Update Completed to **Closing letter/Resp Sent Consumer/Atty**.
8/29/2017 5:07 AM	Jennifer Castillo		Changed **Status** from Results Entered/Received -CDT/Vendor/Leg to **Suppress/Update Completed**.
8/29/2017 5:07 AM	Jennifer Castillo		Changed **Status** from Waiting on CDT/ Vendor/Leg to **Results Entered/Received -CDT/Vendor/Leg**.
8/28/2017 4:09 PM	RaymondJohn Eustaquio		Changed **Status** from "Confirmed Cons Identity Info Complete" to **Waiting on CDT/ Vendor/Leg**.
8/28/2017 4:09 PM	RaymondJohn Eustaquio		Changed **Status** from Waiting on CDT/ Vendor/Leg to **"Confirmed Cons Identity Info Complete"**.
8/28/2017 4:08 PM	RaymondJohn Eustaquio		Changed **Status** from "Confirmed Cons Identity Info Complete" to **Waiting on CDT/ Vendor/Leg**.
8/28/2017 4:08 PM	RaymondJohn Eustaquio		Changed **Status** from New to **"Confirmed Cons Identity Info Complete"**.
8/28/2017 3:51 PM	Terry Heronime		Changed **Priority** from P1 - Critical to **P2 - High**.
8/28/2017 3:07 PM	Terry Heronime		Changed **Subject** from CON: Dispute - Not Determined to **CON: Dispute - Pilot**.
			Changed **Sub-Area** from CON: Dispute - Not Determined to **CON: Dispute - Pilot**.
			Changed **Priority** from Medium to **P1 - Critical**.
8/28/2017 2:44 PM	MarcoAngelo Losantas		Changed **Subject** to **CON: Dispute - Not Determined**.
			Changed **Case Owner** from MarcoAngelo Losantas to **Screening - Consumer**.
			Created.

Attachments

Attach File

Attachments Help (?)

No records to display

Related Cases

New Case ▼ | Close | Change Owner | Change Status

Related Cases Help (?)

No records to display

Custom History Tracking

Custom History Tracking Help (?)

No records to display

Dispute Results for SF04314009:

Email Message Detail

Reply | Reply To All | Forward | Delete

[Previous | Email Message List | Next

▼ **Information**

Parent Case	SF04314009	Status	Sent
Message Date	8/29/2017 9:24 AM	Last Modified By	RaymondJohn Eustaquio, 8/29/2017 9:24 AM
Created By	RaymondJohn Eustaquio, 8/29/2017 9:24 AM		

▼ **Address Information**

From Address	consumer.relations@leasingdesk.com
From Name	Consumer Relations
To Address	facialcleanse13@gmail.com
CC Address	
BCC Address	raymondjohn.eustaquio@realpage.com (i)

Dear Diane D Jones,

Thank you for contacting us regarding your issue. We would appreciate your feedback by clicking this live link.

Thank you for notifying LeasingDesk Screening regarding the accuracy and/or completeness of certain information that is contained in your consumer file. LeasingDesk does not change information contained in a consumer file if the disputed information is accurate. If LeasingDesk Screening's investigation reveals that the disputed information is inaccurate, incomplete, or cannot be verified, then LeasingDesk Screening will delete or correct the disputed information.

LeasingDesk Screening has investigated your dispute and has notified the sources of the disputed information. Our investigation is now complete. The investigation performed by LeasingDesk Screening **revealed that the disputed information is inaccurate, incomplete, or cannot be verified. LeasingDesk Screening has reported the findings of our investigation to the Marietta Road - 7302 community. The apartment community makes a decision based**

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upon many factors. You may want to review the findings of the reinvestigation with Marietta Road - 7302 and we encourage you to do so.

Here is a summary of the results of our investigation:

The criminal information included in the report provided to Marietta Road apartment community on 8/15/2017 was derived from public records from the Georgia Dept of Corrections (SPL). Based upon our investigation, we have determined that the records do not belong to you and the records will be removed from your file.
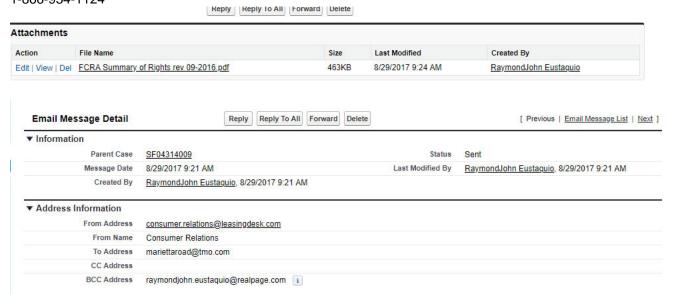
You have the right to file with LeasingDesk Screening a brief statement disputing any of the information contained in your file. If you choose to do so, then LeasingDesk Screening will include the statement or a summary of it in future reports that LeasingDesk Screening prepares.

Upon your request, LeasingDesk Screening will provide to you a description of the procedures used to determine the completeness and accuracy of the information in your file, including the name, business address, and telephone number of anyone who furnished information to LeasingDesk Screening. LeasingDesk Screening also will provide to individuals who have received a copy of your consumer report within the past twelve months (1) a copy of your statement or a summary of it, or (2) notice that certain information, if any, has been revised or deleted from our file.

Enclosed is a summary of your rights under the Fair Credit Reporting Act and certain other documents that may be required if you are a resident of a state that may require LeasingDesk Screening to provide you with additional information. Please feel free to contact us with any questions you may have regarding this matter at (866) 934-1124 during normal business hours. You also may contact us in writing at LeasingDesk Screening, Consumer Relations, 2201 Lakeside Blvd. Richardson, Texas 75082-4305.

Sincerely,

LeasingDesk Screening
Consumer Relations
2201 Lakeside Blvd.
Richardson, Texas 75082-4305
1-866-934-1124

| | Reply | Reply To All | Forward | Delete |

Attachments

Action	File Name	Size	Last Modified	Created By
Edit | View | Del	FCRA Summary of Rights rev 09-2016.pdf	463KB	8/29/2017 9:24 AM	RaymondJohn Eustaquio

Email Message Detail   Reply Reply To All Forward Delete   [Previous \| Email Message List \| Next]

▼ **Information**

Parent Case	SF04314009		Status	Sent
Message Date	8/29/2017 9:21 AM		Last Modified By	RaymondJohn Eustaquio, 8/29/2017 9:21 AM
Created By	RaymondJohn Eustaquio, 8/29/2017 9:21 AM			

▼ **Address Information**

From Address	consumer.relations@leasingdesk.com
From Name	Consumer Relations
To Address	mariettaroad@tmo.com
CC Address	
BCC Address	raymondjohn.eustaquio@realpage.com [i]

Recently, LeasingDesk Screening received a Consumer Dispute from applicant Diane D Jones. Today we are emailing, Marietta Road - 7302, to inform of the following reinvestigation results:

The criminal information included in the report provided on 8/15/2017 was derived from public records. Based upon our investigation, we have determined that the records reported do not belong to your applicant and the records will be removed from the applicants file.

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We have added an activity note in OneSite. PLEASE do not rerun the applicant's screening, instead please contact your corporate office or regional manager for a further review of this application.

Thank you,

LeasingDesk Screening
Consumer Relations
2201 Lakeside Blvd.
Richardson, Texas 75082-4305
1-866-934-1124

*This information is for LeasingDesk Screening client use only. Please do not forward.

Attachments

No records to display

Sender and Recipients

No records to display

⌃ Back To Top   Always show me fewer ▲ / ▼ more records per related list

Case Detail

Case Number	SF04335198 [View Hierarchy]	**Case Record Type**	Consumer Screening [Change]
Contact Name	Diane D Jones	**Saturday**	☐
Account Name	Consumer-Realpage	**Sunday**	☐
Case Owner	Screening - Consumer [Change]	**Date/Time Opened**	9/10/2017 4:27 PM
Contact Phone	(216) 640-5419	**Date/Time Closed**	9/11/2017 1:12 PM
Contact Email	facialcleanse13@gmail.com	**Area**	CON: Consumer
Time Zone	Eastern	**Sub-Area**	CON: Dispute - Updated File Copy
Defect Number Legacy		**Status**	Completed
Subject	CON: Dispute - Updated File Copy	**Priority**	Medium
Description	Consumer requested for updated file copy	**Case Origin**	Email
Screening Property	MARIETTA ROAD - 7302	**Delivery Preference**	Email
Site Loc-Acct#-PMC	ATLANTA GA 3521464 MICHAELS MANAGEMENT-AFFORDABLE, LLC	**Closed When Created**	☐
Instruction Letter Sent	✓	**Business Days**	1
BBB Complaint	☐	**Business Days Worked from Now**	485
BBB Case Number		**Action Plan Start Date**	9/8/2017
Social Media Request		**Days Open**	1.00
Social Media Received Date		**Action Plan Days Open**	3.00
		Case Cycle	⬤⬤🟢
Parent PMC		**Alert**	✓
Contact is VIP	☐	**Escalated to Legal**	☐
Special States		**Days in Status**	678
Parent Account Owner		**FCRA Start Date**	9/8/2017
PROPERTY TYPES		**Preferred Method of Contact**	

1
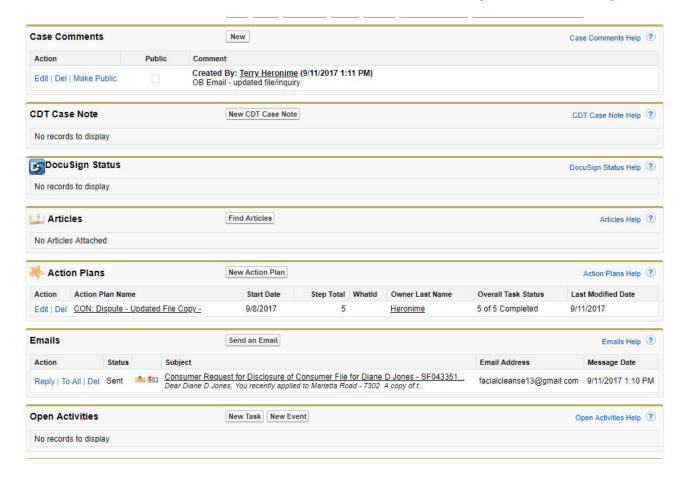
Case	Closed Date	9/11/2017		Existing SF Case Number	
	Parent Case			Docusign Envelope	
	Inquiry Dates				

Case Comments[1] | CDT Case Note[0] | DocuSign Status[0] | Articles[0] | Action Plans[1] | Emails[1] | Open Activities[0] | Activity History[6] | Case History[8] | Attachments[0] | Related Cases[0] | Custom History Tracking[0]

Custom Links

	Digital Dashboard	OneSite IA	Report Manager
	Equifax	Experian	TransUnion
	DNB	Domin 8	
G Drive Folder	Consumer Dispute Electronic Records 2017\Jones, Diane D 9799		
G Drive Link	Link		

▼ Screening Detail

Identity Theft	☐	Sent Non-Response Letter	☐
Identity Theft Date/Time		Non-Response Letter Sent Date and Time	
Attorney/Firm Name		Sent Post-Closure Vendor Response	☐
Rental History 2nd Notice	☐	Post-Closure Date and Time	
2nd Notice Sent			

▼ CDT

		CDT Escalation ⊘	
Suppressed		Updated	
CDT Consumer Comments		CDT Client Comments	
Days in Escalation	0	Days Pending SUPPRESSION	0
Days Pending UPDATE	0	SUPPRESSION/UPDATE NOTES	

▼ System Information

| Created By | Lahainie Crisostomo, 9/10/2017 4:27 PM | Last Modified By | Terry Heronime, 9/11/2017 1:12 PM |
| | | Last Modified By Owner | |

▼ Bulk Task Section

Tasks   [Update Tasks] [Refresh Tasks]

Id	Subject	Status	Owner	Comments
	▼	▼	▼	
00T3700001Je6upEAB	Review Con Identity Info - Set Dispute Type	Completed	Terry Heronime	
00T3700001Je6uqEAB	Create Inquiry Report/Consumer File	Completed	Terry Heronime	
00T3700001Je6urEAB	Verify - Updated File Reflects Re-investigation results	Completed	Terry Heronime	
00T3700001Je6usEAB	Send Updated Consumer File and Inquiry Report to Co	Completed	Terry Heronime	
00T3700001Je78REAR	Email: Consumer Request for Disclosure of Consumer I	Closed Cancelled	Terry Heronime	Additional To: facialcleanse13@gmail.com CC: BCC: At
00T3700001Je7EZEAZ	Send Updated Consumer File and Inquiry Report to Pro	Completed	Terry Heronime	

2

Case Comments

	New		Case Comments Help ?

Action	Public	Comment
Edit | Del | Make Public	☐	**Created By: Terry Heronime (9/11/2017 1:11 PM)** OB Email - updated file/inquiry

CDT Case Note

	New CDT Case Note	CDT Case Note Help ?

No records to display

DocuSign Status

	DocuSign Status Help ?

No records to display

Articles

	Find Articles	Articles Help ?

No Articles Attached

Action Plans

	New Action Plan					Action Plans Help ?

Action	Action Plan Name	Start Date	Step Total	WhatId	Owner Last Name	Overall Task Status	Last Modified Date
Edit | Del	CON: Dispute - Updated File Copy -	9/8/2017	5		Heronime	5 of 5 Completed	9/11/2017

Emails

	Send an Email		Emails Help ?

Action	Status		Subject	Email Address	Message Date
Reply | To All | Del	Sent		Consumer Request for Disclosure of Consumer File for Diane D Jones - SF043351... *Dear Diane D Jones, You recently applied to Marietta Road - 7302. A copy of t...*	facialcleanse13@gmail.com	9/11/2017 1:10 PM

Open Activities

	New Task	New Event	Open Activities Help ?

No records to display

3

Activity History

Log a Call | Mail Merge | Send an Email | View All   Activity History Help ?

Action	Subject	Name	Assigned To	Last Modified Date/Time	Completed Date	Comments (Short)	Time in Minutes	Call Duration
Edit | Del	Email: Consumer Request for Disclosure of Consumer File for Diane D Jones - SF04335198 [ref: 00D00heZB. 50037DYWPo:ref]	Diane D Jones	Terry Heronime	9/11/2017 1:10 PM				
Edit | Del	Send Updated Consumer File and Inquiry Report to Property		Terry Heronime	9/11/2017 1:12 PM	9/11/2017			
Edit | Del	Send Updated Consumer File and Inquiry Report to Consumer		Terry Heronime	9/11/2017 1:12 PM	9/11/2017			
Edit | Del	Verify - Updated File Reflects Re-investigation results		Terry Heronime	9/11/2017 1:12 PM	9/11/2017			
Edit | Del	Create Inquiry Report/Consumer File		Terry Heronime	9/11/2017 1:11 PM	9/11/2017			
Edit | Del	Review Con Identity Info - Set Dispute Type		Terry Heronime	9/11/2017 1:11 PM	9/11/2017			

Case History

Case History Help ?

Date	User	Connection	Action
9/11/2017 1:12 PM	Terry Heronime		Changed **Status** from Send Final Response to Client to **Completed**.
			Closed.
9/11/2017 1:12 PM	Terry Heronime		Changed **Status** from New to **Send Final Response to Client**.
9/11/2017 1:11 PM	Terry Heronime		Changed **Status** from Inquiry Report/ consumer File created to **New**.
9/11/2017 1:11 PM	Terry Heronime		Changed **Status** from New to **Inquiry Report/ consumer File created**.
9/10/2017 4:27 PM	Lahainie Crisostomo		Changed **Subject** to **CON: Dispute - Updated File Copy**.
			Changed **Case Owner** from Lahainie Crisostomo to **Screening - Consumer**.
			Created.

Attachments

Attach File   Attachments Help ?

No records to display

Related Cases

New Case ▼ | Close | Change Owner | Change Status   Related Cases Help ?

No records to display

Custom History Tracking

Custom History Tracking Help ?

No records to display

Email Message Detail   Reply | Reply To All | Forward | Delete   [Previous | Email Message List | Next]

▼ Information

Parent Case	SF04335198		Status	Sent
Message Date	9/11/2017 1:10 PM		Last Modified By	Terry Heronime, 9/11/2017 1:10 PM
Created By	Terry Heronime, 9/11/2017 1:10 PM			

▼ Address Information

From Address	consumer.relations@leasingdesk.com
From Name	Consumer Relations
To Address	facialcleanse13@gmail.com
CC Address	
BCC Address	[i]

Dear Diane D Jones,

You recently applied to Marietta Road - 7302. A copy of the consumer file that LeasingDesk Screening maintains on you is attached to this e-mail. You also will find attached to the letter the Federal Trade Commission's "A Summary of Your Rights under the Fair Credit Reporting Act" and other important information about your rights. **The attached document is password protected. The password is your last name (all lower case) and last 4 digits of your social security number.**

4
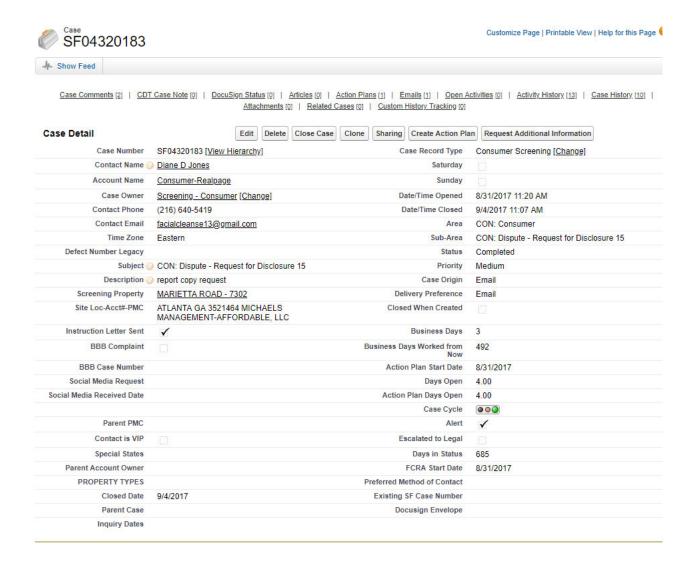
If you have any question concerning your consumer file, you can contact LeasingDesk Screening toll-free at (866) 934-1124.
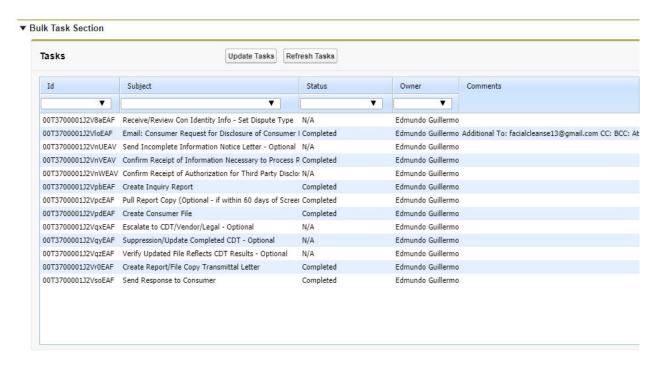
Sincerely,
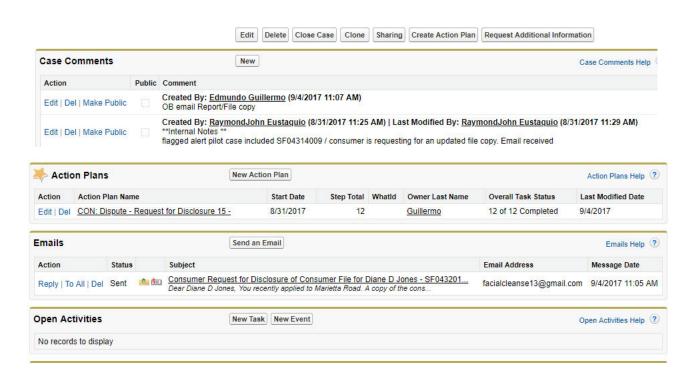
Consumer Relations
LeasingDesk Screening
2201 Lakeside Boulevard
Richardson, Tx 75082-4305
(866) 934-1124

Attachments: Consumer File
FTC Summary of Rights
Summary of rights under state law
Statement Regarding Security Freeze

Attachments
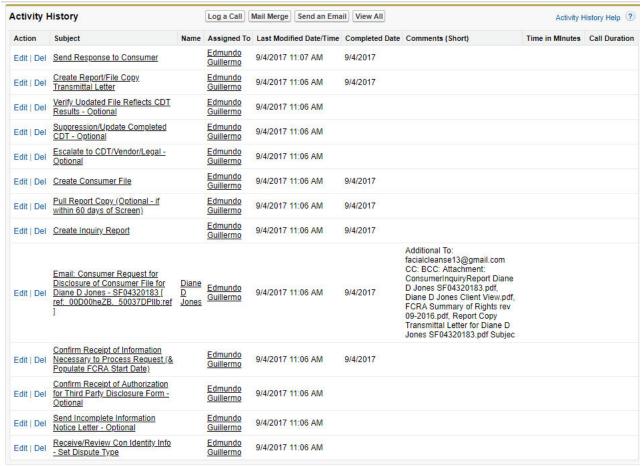
Action	File Name	Size	Last Modified	Created By
Edit | View | Del	Updated File - Report Transmittal Letter Diane D Jones SF04335198.pdf	512KB	9/11/2017 1:10 PM	Terry Heronime
Edit | View | Del	FCRA Summary of Rights rev 09-2016.pdf	463KB	9/11/2017 1:10 PM	Terry Heronime
Edit | View | Del	Updated ConsumerInquiryReport Diane D Jones SF04335198.pdf	16KB	9/11/2017 1:10 PM	Terry Heronime

5

Case
SF04320183

Show Feed

Case Comments [2] | CDT Case Note [0] | DocuSign Status [0] | Articles [0] | Action Plans [1] | Emails [1] | Open Activities [0] | Activity History [13] | Case History [10] | Attachments [0] | Related Cases [0] | Custom History Tracking [0]

Case Detail   Edit   Delete   Close Case   Clone   Sharing   Create Action Plan   Request Additional Information

Field	Value	Field	Value
Case Number	SF04320183 [View Hierarchy]	Case Record Type	Consumer Screening [Change]
Contact Name	Diane D Jones	Saturday	☐
Account Name	Consumer-Realpage	Sunday	☐
Case Owner	Screening - Consumer [Change]	Date/Time Opened	8/31/2017 11:20 AM
Contact Phone	(216) 640-5419	Date/Time Closed	9/4/2017 11:07 AM
Contact Email	facialcleanse13@gmail.com	Area	CON: Consumer
Time Zone	Eastern	Sub-Area	CON: Dispute - Request for Disclosure 15
Defect Number Legacy		Status	Completed
Subject	CON: Dispute - Request for Disclosure 15	Priority	Medium
Description	report copy request	Case Origin	Email
Screening Property	MARIETTA ROAD - 7302	Delivery Preference	Email
Site Loc-Acct#-PMC	ATLANTA GA 3521464 MICHAELS MANAGEMENT-AFFORDABLE, LLC	Closed When Created	☐
Instruction Letter Sent	✓	Business Days	3
BBB Complaint	☐	Business Days Worked from Now	492
BBB Case Number		Action Plan Start Date	8/31/2017
Social Media Request		Days Open	4.00
Social Media Received Date		Action Plan Days Open	4.00
		Case Cycle	⬤⬤🟢
Parent PMC		Alert	✓
Contact is VIP	☐	Escalated to Legal	☐
Special States		Days in Status	685
Parent Account Owner		FCRA Start Date	8/31/2017
PROPERTY TYPES		Preferred Method of Contact	
Closed Date	9/4/2017	Existing SF Case Number	
Parent Case		Docusign Envelope	
Inquiry Dates			

▼ Bulk Task Section

Tasks   [Update Tasks] [Refresh Tasks]

Id	Subject	Status	Owner	Comments
00T3700001J2V8aEAF	Receive/Review Con Identity Info - Set Dispute Type	N/A	Edmundo Guillermo	
00T3700001J2VloEAF	Email: Consumer Request for Disclosure of Consumer I	Completed	Edmundo Guillermo	Additional To: facialcleanse13@gmail.com CC: BCC: At
00T3700001J2VnUEAV	Send Incomplete Information Notice Letter - Optional	N/A	Edmundo Guillermo	
00T3700001J2VnVEAV	Confirm Receipt of Information Necessary to Process R	Completed	Edmundo Guillermo	
00T3700001J2VnWEAV	Confirm Receipt of Authorization for Third Party Disclo:	N/A	Edmundo Guillermo	
00T3700001J2VpbEAF	Create Inquiry Report	Completed	Edmundo Guillermo	
00T3700001J2VpcEAF	Pull Report Copy (Optional - if within 60 days of Screer	Completed	Edmundo Guillermo	
00T3700001J2VpdEAF	Create Consumer File	Completed	Edmundo Guillermo	
00T3700001J2VqxEAF	Escalate to CDT/Vendor/Legal - Optional	N/A	Edmundo Guillermo	
00T3700001J2VqyEAF	Suppression/Update Completed CDT - Optional	N/A	Edmundo Guillermo	
00T3700001J2VqzEAF	Verify Updated File Reflects CDT Results - Optional	N/A	Edmundo Guillermo	
00T3700001J2Vr0EAF	Create Report/File Copy Transmittal Letter	Completed	Edmundo Guillermo	
00T3700001J2VsoEAF	Send Response to Consumer	Completed	Edmundo Guillermo	

[Edit] [Delete] [Close Case] [Clone] [Sharing] [Create Action Plan] [Request Additional Information]

Case Comments   [New]   Case Comments Help

Action	Public	Comment
Edit | Del | Make Public	☐	Created By: Edmundo Guillermo (9/4/2017 11:07 AM) OB email Report/File copy
Edit | Del | Make Public	☐	Created By: RaymondJohn Eustaquio (8/31/2017 11:25 AM) | Last Modified By: RaymondJohn Eustaquio (8/31/2017 11:29 AM) **Internal Notes ** flagged alert pilot case included SF04314009 / consumer is requesting for an updated file copy. Email received

⭐ Action Plans   [New Action Plan]   Action Plans Help ?

Action	Action Plan Name	Start Date	Step Total	WhatId	Owner Last Name	Overall Task Status	Last Modified Date
Edit | Del	CON: Dispute - Request for Disclosure 15 -	8/31/2017	12		Guillermo	12 of 12 Completed	9/4/2017

Emails   [Send an Email]   Emails Help ?

Action	Status		Subject	Email Address	Message Date
Reply | To All | Del	Sent	🔗 📧	Consumer Request for Disclosure of Consumer File for Diane D Jones - SF043201... Dear Diane D Jones, You recently applied to Marietta Road. A copy of the cons...	facialcleanse13@gmail.com	9/4/2017 11:05 AM

Open Activities   [New Task] [New Event]   Open Activities Help ?

No records to display

Activity History

Log a Call | Mail Merge | Send an Email | View All

Activity History Help ?

Action	Subject	Name	Assigned To	Last Modified Date/Time	Completed Date	Comments (Short)	Time in Minutes	Call Duration
Edit | Del	Send Response to Consumer		Edmundo Guillermo	9/4/2017 11:07 AM	9/4/2017			
Edit | Del	Create Report/File Copy Transmittal Letter		Edmundo Guillermo	9/4/2017 11:06 AM	9/4/2017			
Edit | Del	Verify Updated File Reflects CDT Results - Optional		Edmundo Guillermo	9/4/2017 11:06 AM				
Edit | Del	Suppression/Update Completed CDT - Optional		Edmundo Guillermo	9/4/2017 11:06 AM				
Edit | Del	Escalate to CDT/Vendor/Legal - Optional		Edmundo Guillermo	9/4/2017 11:06 AM				
Edit | Del	Create Consumer File		Edmundo Guillermo	9/4/2017 11:06 AM	9/4/2017			
Edit | Del	Pull Report Copy (Optional - if within 60 days of Screen)		Edmundo Guillermo	9/4/2017 11:06 AM	9/4/2017			
Edit | Del	Create Inquiry Report		Edmundo Guillermo	9/4/2017 11:06 AM	9/4/2017			
Edit | Del	Email: Consumer Request for Disclosure of Consumer File for Diane D Jones - SF04320183 [ref:_00D00heZB._50037DPIIb:ref]	Diane D Jones	Edmundo Guillermo	9/4/2017 11:06 AM	9/4/2017	Additional To: facialcleanse13@gmail.com CC: BCC: Attachment: ConsumerInquiryReport Diane D Jones SF04320183.pdf, Diane D Jones Client View.pdf, FCRA Summary of Rights rev 09-2016.pdf, Report Copy Transmittal Letter for Diane D Jones SF04320183.pdf Subjec		
Edit | Del	Confirm Receipt of Information Necessary to Process Request (& Populate FCRA Start Date)		Edmundo Guillermo	9/4/2017 11:06 AM	9/4/2017			
Edit | Del	Confirm Receipt of Authorization for Third Party Disclosure Form - Optional		Edmundo Guillermo	9/4/2017 11:06 AM				
Edit | Del	Send Incomplete Information Notice Letter - Optional		Edmundo Guillermo	9/4/2017 11:06 AM				
Edit | Del	Receive/Review Con Identity Info - Set Dispute Type		Edmundo Guillermo	9/4/2017 11:06 AM				

Case History

Case History Help ?

Date	User	Connection	Action
9/4/2017 11:07 AM	Edmundo Guillermo		Changed **Status** from Ready to Send Response to **Completed**.
9/4/2017 11:06 AM	Edmundo Guillermo		Changed **Status** from Consumer File Created to **Ready to Send Response.**
9/4/2017 11:06 AM	Edmundo Guillermo		Changed **Status** from Confirmed Cons Identity/Info Complete to **Consumer File Created.**
9/4/2017 11:06 AM	Edmundo Guillermo		Changed **Status** from Confirmed Auth for Third Party Complete to **Confirmed Cons Identity/Info Complete.**
			Changed **Status** from New to **Confirmed Auth for Third Party Complete.**
9/4/2017 11:06 AM	Edmundo Guillermo		Changed **Status** from Waiting for Consumer Information to **New.**
9/4/2017 11:06 AM	Edmundo Guillermo		Changed **Status** from New to **Waiting for Consumer Information.**
8/31/2017 11:20 AM	RaymondJohn Eustaquio		Changed **Subject** to **CON: Dispute - Request for Disclosure 15.**
			Changed **Case Owner** from RaymondJohn Eustaquio to **Screening - Consumer.**
			Created.

Attachments

Attach File

Attachments Help ?

No records to display

Related Cases

New Case ▼ | Close | Change Owner | Change Status

Related Cases Help ?

No records to display

Custom History Tracking

Custom History Tracking Help ?

No records to display

3 | P a g e

REALPAGE/JONES 000180

▼ Bulk Task Section

Tasks [Update Tasks] [Refresh Tasks]

Id	Subject	Status	Owner	Comments
▼	▼	▼	▼	
00T3700001J2V8aEAF	Receive/Review Con Identity Info - Set Dispute Type	N/A	Edmundo Guillermo	
00T3700001J2VloEAF	Email: Consumer Request for Disclosure of Consumer I	Completed	Edmundo Guillermo	Additional To: facialcleanse13@gmail.com CC: BCC: At
00T3700001J2VnUEAV	Send Incomplete Information Notice Letter - Optional	N/A	Edmundo Guillermo	
00T3700001J2VnVEAV	Confirm Receipt of Information Necessary to Process R	Completed	Edmundo Guillermo	
00T3700001J2VnWEAV	Confirm Receipt of Authorization for Third Party Disclo:	N/A	Edmundo Guillermo	
00T3700001J2VpbEAF	Create Inquiry Report	Completed	Edmundo Guillermo	
00T3700001J2VpcEAF	Pull Report Copy (Optional - if within 60 days of Screer	Completed	Edmundo Guillermo	
00T3700001J2VpdEAF	Create Consumer File	Completed	Edmundo Guillermo	
00T3700001J2VqxEAF	Escalate to CDT/Vendor/Legal - Optional	N/A	Edmundo Guillermo	
00T3700001J2VqyEAF	Suppression/Update Completed CDT - Optional	N/A	Edmundo Guillermo	
00T3700001J2VqzEAF	Verify Updated File Reflects CDT Results - Optional	N/A	Edmundo Guillermo	
00T3700001J2Vr0EAF	Create Report/File Copy Transmittal Letter	Completed	Edmundo Guillermo	
00T3700001J2VsoEAF	Send Response to Consumer	Completed	Edmundo Guillermo	

[Edit] [Delete] [Close Case] [Clone] [Sharing] [Create Action Plan] [Request Additional Information]

Case Comments [New]   Case Comments Help

Action	Public	Comment
Edit	Del	Make Public	☐	**Created By: Edmundo Guillermo (9/4/2017 11:07 AM)** OB email Report/File copy
Edit	Del	Make Public	☐	**Created By: RaymondJohn Eustaquio (8/31/2017 11:25 AM)	Last Modified By: RaymondJohn Eustaquio (8/31/2017 11:29 AM)** **Internal Notes ** flagged alert pilot case included SF04314009 / consumer is requesting for an updated file copy. Email received

4 | P a g e

Exhibit 15

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

DIANE D. JONES, individually and on behalf of herself and all others similarly situated, Plaintiff, v. **REALPAGE, INC. d/b/a LEASINGDESK SCREENING,** Defendant.	Case No. 3:19-cv-02087-B **DEFENDANT'S FIRST SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF JONES' SECOND SET OF INTERROGATORIES** District Court Judge Jane J. Boyle Magistrate Judge Irma C. Ramirez

Pursuant to Fed. R. Civ. P. 26 and 33, Defendant RealPage, Inc. d/b/a LeasingDesk Screening, ("RealPage" or "Defendant") supplements its objections and responses to Plaintiff Diane D. Jones' ("Plaintiff") Second Set of Interrogatories as follows:

PRELIMINARY STATEMENT

RealPage has not yet completed its investigation of the facts relating to this action, has not yet completed its discovery, and has not yet completed its preparation for trial. Consequently, the following responses are provided without prejudice to RealPage's right to introduce, at the time of trial or other proceedings, subsequently discovered information relating to the proof of presently known material facts and to introduce all information, whenever discovered, relating to the proof of subsequently discovered material facts. However, RealPage does not assume any duty of ongoing amendment to these responses.

1

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

RealPage objects to the definition of "Defendant," "You," and "Your" insofar as it includes any "agency, subsidiary(ies), parent corporation(s) and/or any of its branches, departments, employees, agents, contractual affiliates, or others connected by legal relationship, in the broadest sense." This definition is vague, ambiguous, and woefully overly broad and unduly burdensome, given that it would encompass third parties or entities, whose information and/or documents are not within RealPage's possession, custody, or control, or whose information has no relevance or bearing on the claims or defenses at issue in this matter.

RESPONSES TO INTERROGATORIES

12.   State the total number of consumers with an address in the United States and its Territories about whom you sold a report for each calendar year between March 6, 2017 and the present which included one or more items for criminal record information, and from whom you subsequently received a dispute or other communication stating that the criminal record information did not pertain or belong to them, or which RealPage interpreted as a "nonmatch" dispute.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous, including with respect to the undefined terms "criminal record information," "dispute," "other communication," and "interpreted as a nonmatch." RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, commercial or proprietary information.

2

The following response is designated as "Confidential." REDACTED ████████████████████

██

███████████████████████████

SUPPLEMENTAL ANSWER: The following response is designated as "Confidential." REDACTED ████████████████████████

██

████

13.   Of the consumers who comprise your response to Interrogatory No. 1, state the total number of consumers for whom you determined following a reinvestigation was a "nonmatch" on the criminal record on the report.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous on the whole given its reference to Interrogatory No. 1, which states: "Identify all entities, public or private, from which you have obtained any of the criminal record information that you sell about consumers, from March 6, 2014 to the present." For the purposes of providing a response, RealPage assumes that this Interrogatory intended to reference Interrogatory No. 12 and incorporates its objections to Interrogatory No. 12. RealPage objects to this Interrogatory as vague and ambiguous, including with respect to the phrase "for whom you determined following a reinvestigation was a 'nonmatch' on the criminal record." RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, or proprietary information.

3

The following response is designated as "Confidential." REDACTED ████████████████████

██

██

████████████████████

SUPPLEMENTAL   ANSWER: The   following   response   is   designated   as **"Confidential."** REDACTED ████████████████████████████████

██

████████████████████████████████████

14.   Of the consumers who comprise your response to Interrogatory No. 1, state the total number of consumers for whom you removed the criminal record information from the consumer's report following the consumer's dispute or communication.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous on the whole given its reference to Interrogatory No. 1, which states: "Identify all entities, public or private, from which you have obtained any of the criminal record information that you sell about consumers, from March 6, 2014 to the present." For the purposes of providing a response, RealPage assumes that this Interrogatory intended to reference Interrogatory No. 12 and incorporates its objections to Interrogatory No. 12. RealPage objects to this Interrogatory as vague and ambiguous, specifically with respect to the phrase "for whom you removed the criminal record information from the consumer's report following the consumer's dispute or communication." RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant.

4

RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, or proprietary information.

The following response is designated as "Confidential." REDACTED

SUPPLEMENTAL ANSWER: The following response is designated as "Confidential." REDACTED

15.   State the total number of consumers about whom you provided a consumer report to a third party from March 6, 2017 to the present which included one or more items of criminal record information for which the Name of the individual who was the subject of the report was not a character for character match to neither the Name of the offender or any of the alias Names listed on the criminal record.

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous on the whole. RealPage objects to this Interrogatory on the basis that it seeks information not tied to the allegations in Plaintiff's Second Amended Complaint, including the proposed class definitions. RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, or proprietary information.

5

Subject to and without waiving its objections, RealPage responds as follows: none.

16.   State the total number of consumers with an address in the United States and its Territories about whom you sold a report for each calendar year between March 6, 2017 and the present which included one or more items of criminal record information, for which (i) the first name of the offender as listed on the criminal record was not a character-for-character match to the first name of the individual who was the subject of the report, and (ii) the criminal record you placed on the report represented the offender's date of birth as "1/1/XXXX – 12/31/XXXX."

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous on the whole. RealPage objects to this Interrogatory on the basis that it seeks information not tied to the allegations in Plaintiff's Second Amended Complaint, including the proposed class definitions. RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, or proprietary information.

17.   State the total number of consumers with an address in the United States and its Territories about whom you sold a report for each calendar year between March 6, 2017 and the present which included one or more items of criminal record information, for which (i) three or more characters, when taken in order, of the first name of the offender did not match the characters, when taken in order, of the first name of the individual who was the subject of the report, and (ii) the criminal record you placed on the report represented the offender's date of birth as "1/1/XXXX – 12/31/XXXX".

6

ANSWER: RealPage objects to this Interrogatory as vague and ambiguous on the whole. RealPage objects to this Interrogatory on the basis that it seeks information not tied to the allegations in Plaintiff's Second Amended Complaint, including the proposed class definitions. RealPage objects to this Interrogatory on the grounds that it is premature, overly broad, unduly burdensome, and irrelevant to the claims and defenses as they currently exist. Plaintiff's purported class has not been certified and, thus, the requested information is overbroad and irrelevant. RealPage objects to this Interrogatory on the basis that it calls for trade secret, confidential business, financial, or proprietary information.

Dated: January 10, 2019   By:*/s/ Timothy St. George*
                                                    Ronald I. Raether, Jr. (*pro hac vice*)
                                                    Jessica R. Lohr (*pro hac vice*)
                                                    Troutman Sanders LLP
                                                    5 Park Plaza, Suite 1400
                                                    Irvine, CA 92614
                                                    Tel: (949) 622-2700
                                                    Fax: (949) 622-2739

                                                    Timothy St. George (*pro hac vice*)
                                                    TROUTMAN SANDERS LLP
                                                    1001 Haxall Point
                                                    Richmond, Virginia 23219
                                                    Telephone: (804) 697-1200
                                                    Facsimile: (804) 698-1339

                                                    Attorneys for Defendant
                                                    RealPage, Inc.

7

VERIFICATION

I, Manjit Sohal, state that I have read the foregoing RealPage, Inc.'s First Supplemental Responses to Plaintiff Jones' Second Set of Interrogatories ("Responses"), and that while I do not have personal knowledge of all of the facts recited in these Responses, the information contained has been collected and made available to me by others, and these Responses are true to the best of my knowledge, information, and belief based upon the information made available to me; and that these Responses are verified on behalf of RealPage, Inc. in this litigation.

Executed on January 8, 2020

9

<u>CERTIFICATE OF SERVICE</u>

I hereby certify that I have served a copy of the foregoing document by electronic mail and

U.S. first class mail on this the 10th day of January 2020:

John Soumilas, Esq.
James A. Francis, Esq.
Lauren KW Brennan, Esq.
Francis & Mailman
Land Title Building, 19th Floor
100 South Broad Street
Philadelphia, PA 19110
Email: jfrancis@consumerlawfirm.com
      jsoumilas@consumerlawfirm.com
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/s/ Jessica R. Lohr
Jessica R. Lohr

Attorney for Defendant, RealPage, Inc. d/b/a Leasing Desk

9

Exhibit 16

Proposed to Be Redacted Entirely

Exhibit 17

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

DIANE D. JONES,   :
individually and on   :
behalf of herself and   :
all others similarly   :
situated,   :
                        :
    Plaintiff,   : No.:
                     : 3:19-cv-02087-B
  vs.   :
                     :
REALPAGE, INC., d/b/a   :
LEASINGDESK SCREENING, :
                     :
    Defendant.   :

- CONFIDENTIAL -
-   -   -
VOLUME II
-   -   -

Remote video conference deposition of
MANJITSINGH SOHAL, taken on Friday, April 17, 2020,
beginning at approximately 10:02 a.m., before Donna
M. Ray, Certified Court Reporter and Notary Public.

-   -   -

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MANJITSINGH SOHAL-VOLUME II-CONFIDENTIAL

```
 1    APPEARANCES:

 2


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13


14


15    ALSO PRESENT:

16     (VIA REMOTE VIDEO CONFERENCE)
       Jeff Kabacinski

17

18

19

20

21

22

23

24

25
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MANJITSINGH SOHAL-VOLUME II-CONFIDENTIAL

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```
 1                        -   -   -

 2               (Whereupon, Exhibits 4 through 7

 3         were marked for identification.)

 4                        -   -   -

 5               MANJITSINGH SOHAL, after having been

 6         duly sworn, was examined and testified as

 7         follows:

 8                        -   -   -

 9                     EXAMINATION

10                        -   -   -

11   BY MR. SOUMILAS:

12       Q.    Mr. Sohal, good morning.

13       A.    Good morning.

14       Q.    My name is John Soumilas.  I'm one of the

15   attorneys for Diane D. Jones who's brought a

16   lawsuit against RealPage, Inc.

17               Today in this case, through the agreement

18   of all the lawyers, we are connected through a

19   video link in order to take your deposition in that

20   matter.  We would ordinarily do it in a different

21   way where some of us would be together or certainly

22   the court reporter would be with you, but under the

23   circumstances of the pandemic going on in the world

24   right now, we are all linked through a Zoom video

25   feed.
```

1   Particularly for that reason, if you do

2   not hear me or if a connection is interrupted in

3   any way, would you do your best to just let me

4   know?

5   A.   Yes.

6   Q.   Right now we seem to be seeing and hearing

7   each other perfectly. So I'm going to assume that

8   unless you tell me that there's some problem, and

9   then we'll try to correct it as soon as we can.

10   Okay?

11   A.   Yes.

12   Q.   Also, you are under oath just as if we

13   were in court in front of a judge and jury today.

14   So, therefore, you are required to testify

15   truthfully under penalty of perjury.

16   Do you understand that?

17   A.   Yes.

18   Q.   Now, Mr. Sohal, do you recall giving a

19   deposition previously in this case, Jones versus

20   RealPage, back in February of this year?

21   A.   Yes.

22   Q.   And have you had occasion to review the

23   transcript of that deposition which you gave on

24   February 11, 2020?

25   A.   Yes.

1   Q.   I will represent to you that since that

2   deposition took place the parties in this case

3   returned to court and the court directed RealPage

4   to provide a revised answer to an interrogatory,

5   number 15, about which you had testified about back

6   in February.

7   Do you remember giving an answer about

8   that interrogatory?

9   A.   Yes.

10   Q.   In fact, you are the person that verified

11 that interrogatory response, correct?

12   A.   Yes.

13   Q.   Okay. Well, do I understand that since

14 the court's order of March 19, 2020, I'll represent

15 for the docket -- for the record, excuse me, that's

16 docket 120 in the case, that RealPage has had an

17 opportunity to recalculate the answer to

18 interrogatory 15?

19   A.   Yes.

20   Q.   Okay. And what I wish to do is to turn to

21 that revised answer and talk about it a little bit

22 to make sure that the recalculation was done in a

23 manner as directed by the court.

24   Okay?

25   A.   Okay.

1   Q.   Let me show you -- well, before I even do

2   that, I will represent for the record that I am

3   treating this deposition today as the second part

4   of your deposition. Since the first part had three

5   exhibits, I will pick up today with Exhibit 4 as if

6   we're continuing in the same sequence. That's just

7   a clarification for the record. It's not a

8   question.

9   Let me show you, Mr. Sohal, what I've

10   marked for purposes of today as Exhibit Sohal 4,

11   which is the defendant's third supplemental

12   objections and responses to plaintiff Jones' second

13   set of interrogatories.

14   Do you have that available?

15   A.   I can see it on my screen.

16   Is that the one?

17   Q.   Yes, sir. It's the one projecting on your

18   screen right now that says Exhibit 4 on the top

19   right-hand side.

20   Do you see that?

21   A.   Yes.

22   Q.   Let's scroll down within that exhibit,

23   please, to the question that is what we have called

24   interrogatory number 15. I will read it for the

25   record. It requests for the defendant to "State

1   the total number of consumers about whom you
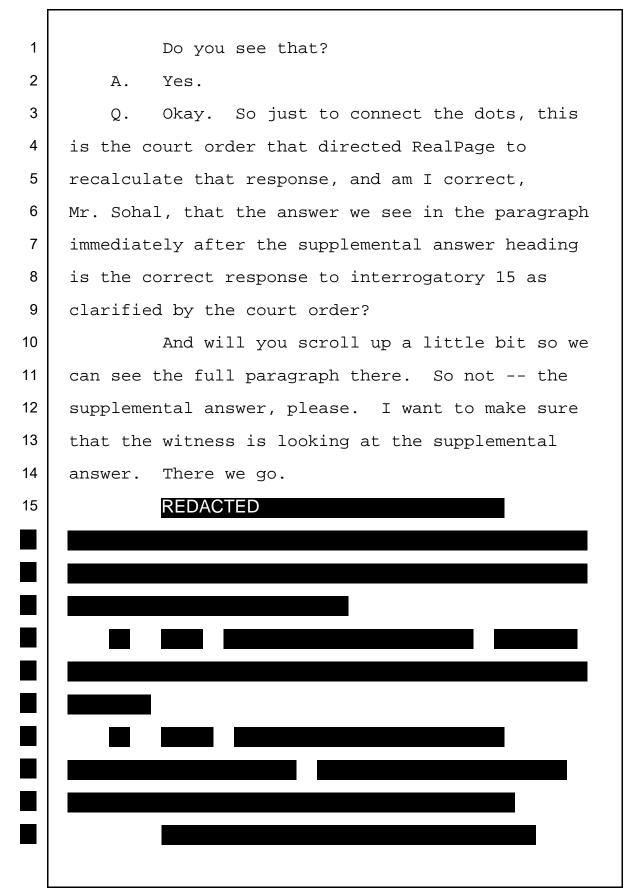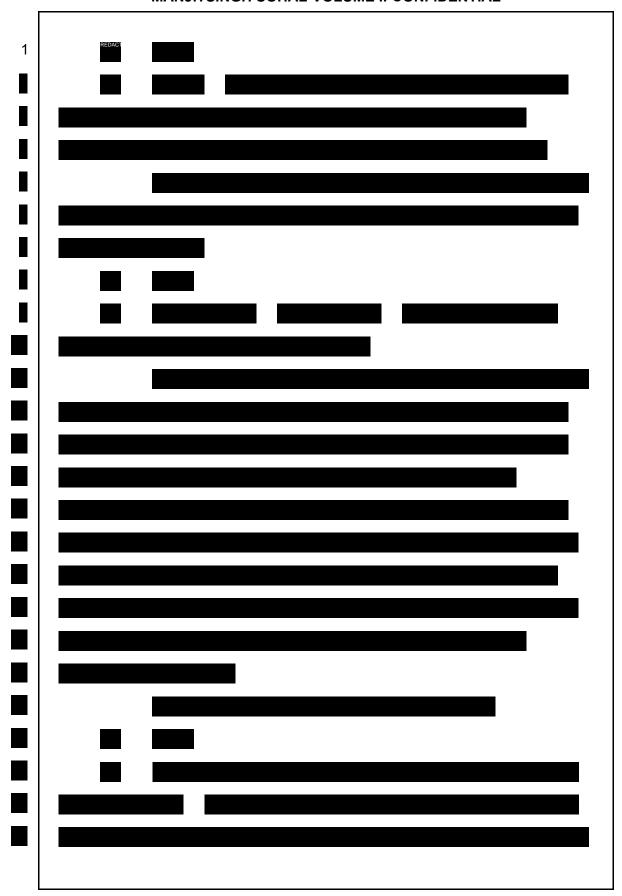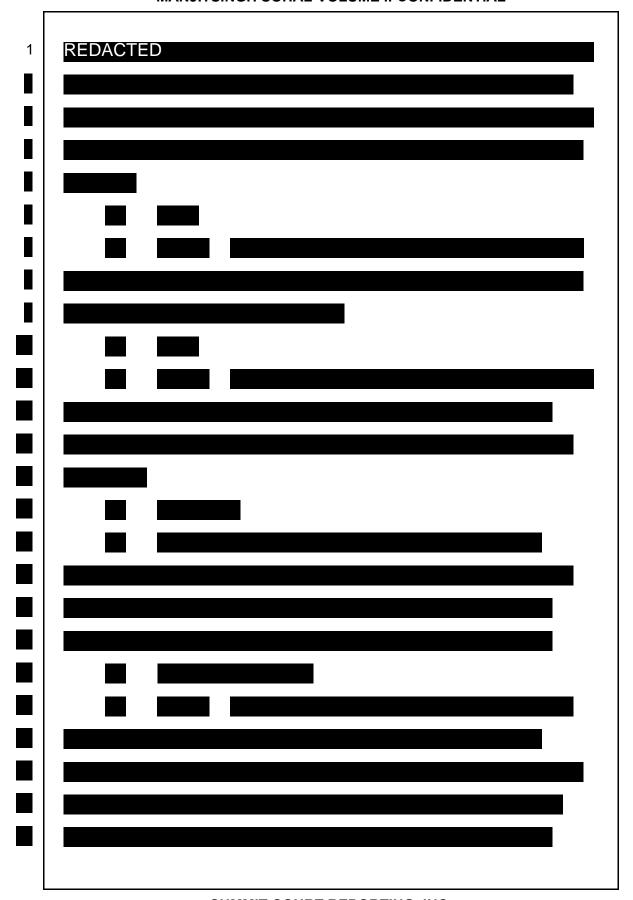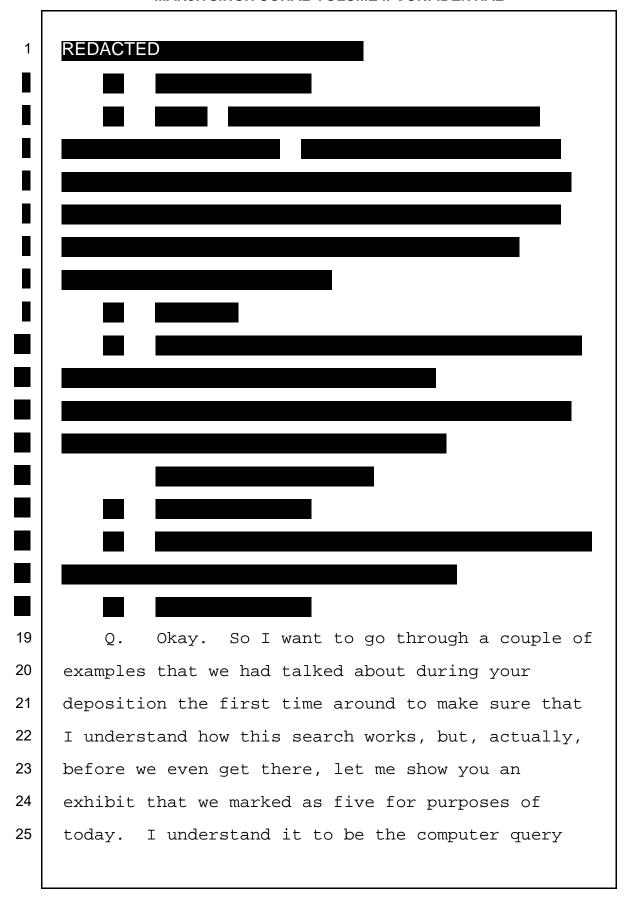
2   provided a consumer report to a third party from

3   March 6, 2017 to the present which included one or

4   more items of criminal record information for which

5   the Name of the individual who was the subject of

6   the report was not a character-for-character match

7   to either the Name of the offender or any of the

8   alias names listed on the criminal record."

9   Do you see that question?

10   A.   Yes.

11   Q.   I want to scroll down further in the

12   document to not just the answer, but on the next

13   page, there is a supplemental answer.

14   Do you see that?

15   A.   Yes.

16   Q.   And if we can just scroll up just a little

17   bit, please, above the supplemental answer. The

18   paragraph immediately before that supplemental

19   answer reads, "Notwithstanding these objections,"

20   that the defendant RealPage has made, "pursuant to

21   the court's order at docket number 120, RealPage

22   provides the following response to this

23   interrogatory, as clarified by that order. For

24   these responses, 'Name' is defined as: 'First and

25   last name taken together.'"

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1   Do you see that?

2   A.   Yes.

3   Q.   Okay. So just to connect the dots, this

4 is the court order that directed RealPage to

5 recalculate that response, and am I correct,

6 Mr. Sohal, that the answer we see in the paragraph

7 immediately after the supplemental answer heading

8 is the correct response to interrogatory 15 as

9 clarified by the court order?

10   And will you scroll up a little bit so we

11 can see the full paragraph there. So not -- the

12 supplemental answer, please. I want to make sure

13 that the witness is looking at the supplemental

14 answer. There we go.

15   REDACTED

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1

MANJITSINGH SOHAL-VOLUME II-CONFIDENTIAL

1   REDACTED

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1   REDACTED

19   Q.   Okay. So I want to go through a couple of

20   examples that we had talked about during your

21   deposition the first time around to make sure that

22   I understand how this search works, but, actually,

23   before we even get there, let me show you an

24   exhibit that we marked as five for purposes of

25   today. I understand it to be the computer query

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```
 1    that led to these results.

 2              Are you able to see Exhibit 5 on your

 3    screen, Mr. Sohal?

 4         A.   Yes.

 5         Q.   And will you please scroll through the

 6    entire exhibit, Mr. Sohal.  I will represent for

 7    the record that it's -- it was produced to us with

 8    Bates stamp numbers on it 814 through 847.

 9              MR. ST. GEORGE:  John, I think he

10              has a version on his computer.  Do you

11              want him to just scroll through his

12              version at his pace?  It's a little clunky

13              with someone else operating the scroll

14              bar.

15              MR. SOUMILAS:  Yes.  That's totally

16              fine, counsel.

17    BY MR. SOUMILAS:

18         Q.   So, Mr. Sohal, if you have a copy of that

19    computer query that you can scroll through

20    yourself, I'd like you to do that and let me know

21    when you're done looking at it.  I'm going to have

22    some questions at the end.

23         A.   Yes.

24         Q.   Okay.  Sir, is that the computer query

25    that someone at RealPage ran in order to derive the
```

1   supplemental answer to interrogatory 15 that we

2   were just talking about a moment ago with reference

3   to Exhibit 4?

4   A.   Yes.   These are the queries that were used

5   to extract the numbers that were part of the

6   interrogatory 15.

7   Q.   Okay.   Did someone at RealPage prepare

8   these queries?

9   A.   Yes.

10   Q.   Who did it?

11   A.   This was done by our DBA, database

12 administrator.

13   Q.   Are you yourself personally able to read

14 these queries, Mr. Sohal?

15   A.   Yes.

16   Q.   Okay.   And did you have any input in

17 creating the queries before they were run?

18   A.   Yes.

19   Q.   All right.   And are you satisfied that

20 based on your understanding of how such queries

21 work that they derive the correct answer for the

22 total number of reports which met those two

23 conditions, both of those conditions, in the

24 supplemental answer to interrogatory 15?

25   A.   Yes.

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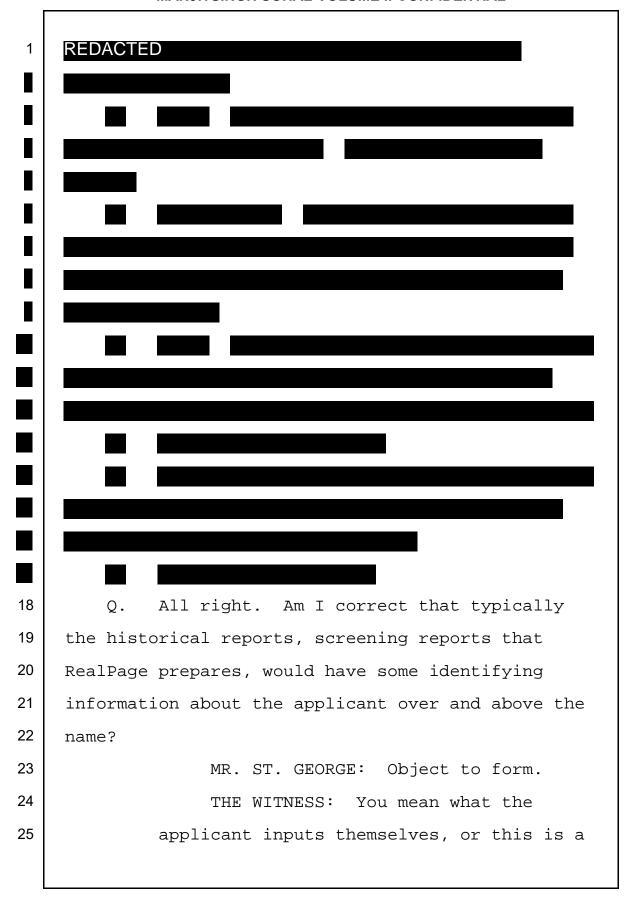
1   Q.   How long did the query take to run, sir?

2   A.   I mean, the whole thing took several

3   weeks. So we go through an elaborate process of

4   extracting data from the historical data. And then

5   it goes through the queries, which take, you know,

6   hours and some queries take minutes, but you can

7   assume that it was at least a couple of weeks. I

8   don't have an exact time it took, but from start to

9   end definitely it took several weeks.

10   Q.   Okay. And in which -- against which

11 database were the queries run?

12   A.   This was run on our data warehouse where

13 we keep all the historical data on screening

14 reports.

15   Q.   So the data warehouse would have

16 historical data about screening reports for

17 particular tenant applicants which were prepared

18 over the course of this time period we're looking

19 at from 2017 through 2020?

20   A.   That's correct.

21   Q.   Okay. And approximately how much computer

22 time did it take once the queries were prepared for

23 the answer to be derived?

24   MR. ST. GEORGE: Object to form.

25   THE WITNESS: As I said earlier, I

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1   mean, the whole process took several

2   weeks, which was part of finding the

3   requirement, what needs to be queried, and

4   then actually writing the queries and then

5   executing the queries. And some of this

6   is -- you have to do it creatively. You

7   have to run it and then you find issues or

8   bugs and then you have to go back. So

9   it's very hard to keep track of specific

10   computer time.

11   BY MR. SOUMILAS:

12   Q.   Okay. Are you satisfied that any bugs or

13   any problems were corrected before the final answer

14   was derived?

15   A.   Yes. I'm satisfied. I went through the

16   QA of the final results.

17   REDACT █████   ███████   █████████████████████

   █   ██

   █   ███

   █   ███

   █   ██

   █   ███████████

   █   █████   ██████

   █   █████   █████████████████████████████

   █   ████████

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1

MANJITSINGH SOHAL-VOLUME II-CONFIDENTIAL

1   REDACTED

18   Q.   All right. Am I correct that typically

19   the historical reports, screening reports that

20   RealPage prepares, would have some identifying

21   information about the applicant over and above the

22   name?

23   MR. ST. GEORGE: Object to form.

24   THE WITNESS: You mean what the

25   applicant inputs themselves, or this is a

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1   system generated -- I'm not clear about

2   the question.

3   BY MR. SOUMILAS:

4   Q.   Sure. I'll try it again.

5   Do you see how the answer to -- the

6   supplemental answer to interrogatory 15 talks about

7   the name input by the property for a particular

8   tenant applicant?

9   A.   Yes.

10   Q.   Am I correct that in that process of

11   inputting data, the property or property manager

12   would typically also include an address, a social

13   security number or a date of birth for the

14   applicant?

15   A.   Social security is not mandatory for all

16   applicants. We ask for an address and date of

17   birth.

18   Q.   Okay. Let's -- since this question

19   focuses on the name, I want to focus on that next.

20   With reference to Exhibit 6, if we can please pull

21   that up for the witness.

22   Mr. Sohal, I'll represent to you that this

23   was an exhibit that we used with your first

24   deposition. If you'll notice, it says Exhibit 3 on

25   the very top right with a February 11, 2020 date.

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1   Do you see that?

2   A.   Yes.

3   Q.   What I want to do for purposes of clarity

4 is re-mark this exhibit as Exhibit 6, which I do

5 with today's date, but I'm going to leave the old

6 exhibit sticker on so there's no confusion.

7   Okay?

8   A.   Okay.

9   Q.   And what I want to do is I want to go

10 through this list of 10 names that we talked about

11 with your previous deposition and see whether the

12 revised answer to interrogatory 15 still has these

13 names falling in within the response or outside of

14 the response.

15   Okay?

16   A.   Okay.

17   Q.   Specifically, we're talking about the

18 REDACTED   What I'm trying to figure out is

19 whether these hypothetical names that we have here

20 in the demonstrative exhibit are within that total

21 figure or they would fall outside of it.

22   Okay?

23   A.   Okay.

24   Q.   So if the -- in example one the tenant

25 applicant name is Geoffrey Smith and the criminal

1   record name is George Smith and there are no

2   aliases at all for that record, would that fall in

3   within the revised response to interrogatory 15?

4   A.   It would fall in the response.

5   Q.   Okay. And just so that our record is

6   clear, sir, because we have used these names

7   before, it would also fall within the revised

8   response that you gave us following the court's

9   order, right?

10   A.   Yes.

11   Q.   Okay. And is that the case for all of the

12   other names that we went through previously at 1

13   through 10? Would all of those scenarios fall

14   within the revised response to interrogatory 15 as

15   well?

16   MR. ST. GEORGE: Object to form.

17   THE WITNESS: Yes. All of these

18   would be in the revised response.

19   MR. SOUMILAS: All right. Counsel,

20   was your objection that this was compound

21   or do you have some other objection to the

22   form?

23   MR. ST. GEORGE: My objection is

24   that your question lacks foundation

25   because it assumes that -- it's ambiguous

1   and it lacks foundation because your

2   question assumes that these people -- that

3   these names here would be matched by a

4   leasing desk. So I wanted to clarify and

5   preserve the record that this is a purely

6   hypothetical exercise based on a simple

7   comparison of names.

8   So that was the basis for my

9   objection.

10   MR. SOUMILAS: Okay. So thank you

11   for that clarification. I want to make

12   sure that our record is clear on that.

13   BY MR. SOUMILAS:

14   Q.   So, Mr. Sohal, this list of 10 names is a

15   hypothetical list of names because we don't know

16   the actual names among that population REDACTED,

17   but what I'm trying to get at is whether with these

18   hypothetical names if there was a tenant applicant

19   whose name was Geoffrey Smith at number one and a

20   criminal record for a George Smith with no alias,

21   the way you run -- you ran the query to get the

22   revised response to interrogatory 15 would put that

23   name within the population REDACTED , correct?

24   A.   That's correct.

25   Q.   And that is the case for the other nine

1   hypothetical names within Exhibit 6 as well, that

2   if these were the actual names run and that -- the

3   result would be the name? They would all fall

4   within the response to interrogatory 15?

5   A.   That's correct.

6   Q.   Now, with respect to the actual names, REDACTED

     did you run any type of analysis or an

8   examination on those names?

9   A.   I did some spot checks to make sure the

10   data was complying with the initial requirements.

11   I didn't check all REDACTED , but I checked

12   probably a handful just to make sure.

13   Q.   And did your spot checking result in a

14   finding that the two requirements were being met?

15   A.   Yes.

16   Q.   Okay. As they would be met for all 10 of

17   these names if they had been in that population,

18   correct?

19   A.   Correct.

20   Q.   Now, let's go to Exhibit 7, which is the

21   tenant screening report that RealPage prepared for

22   the plaintiff in this case, Diane D. Jones, back on

23   August 28, 2017. I'll represent to you, Mr. Sohal,

24   that this was previously marked as Ramesh 3 in a
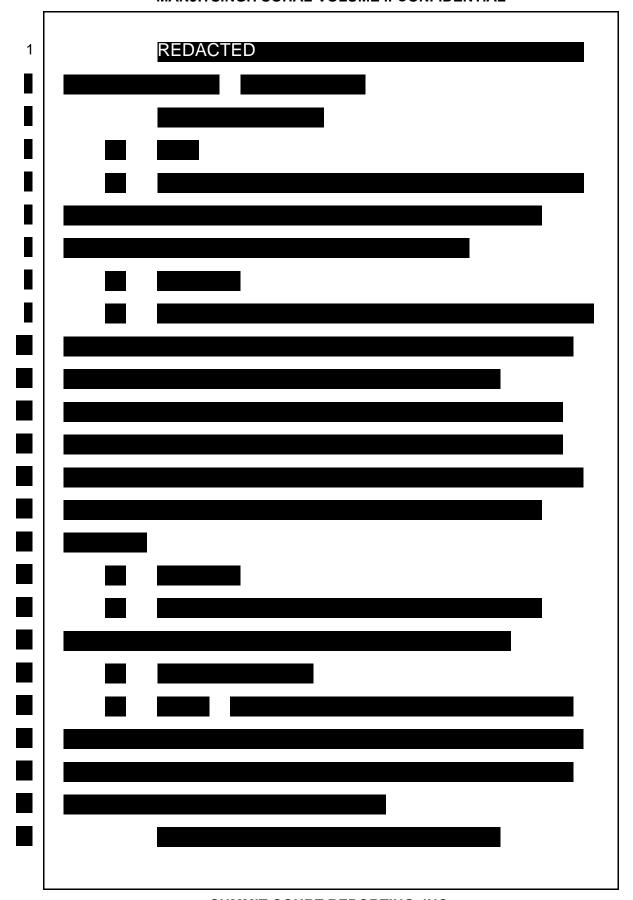
25   deposition of another witness in this matter.

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1   Have you seen this document before?
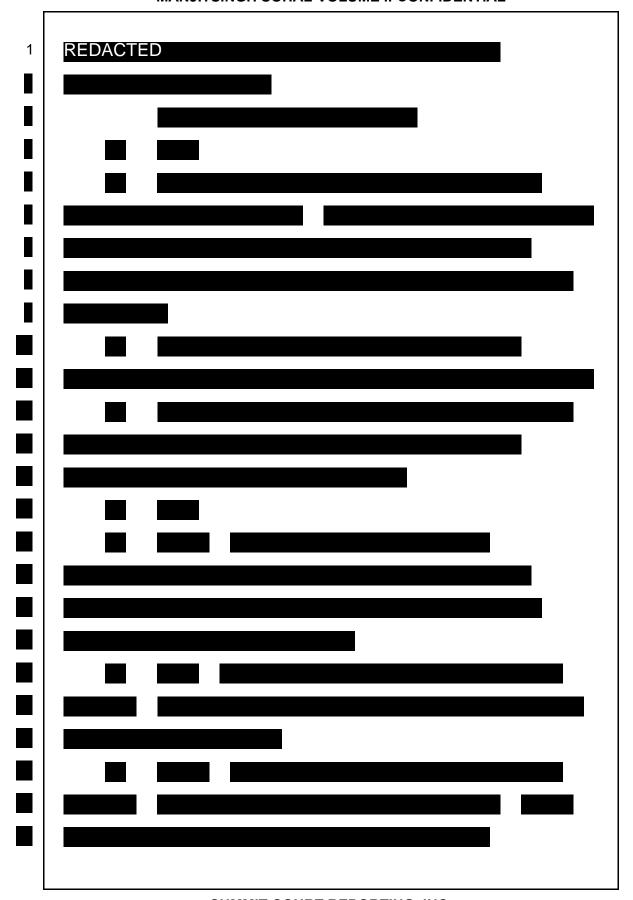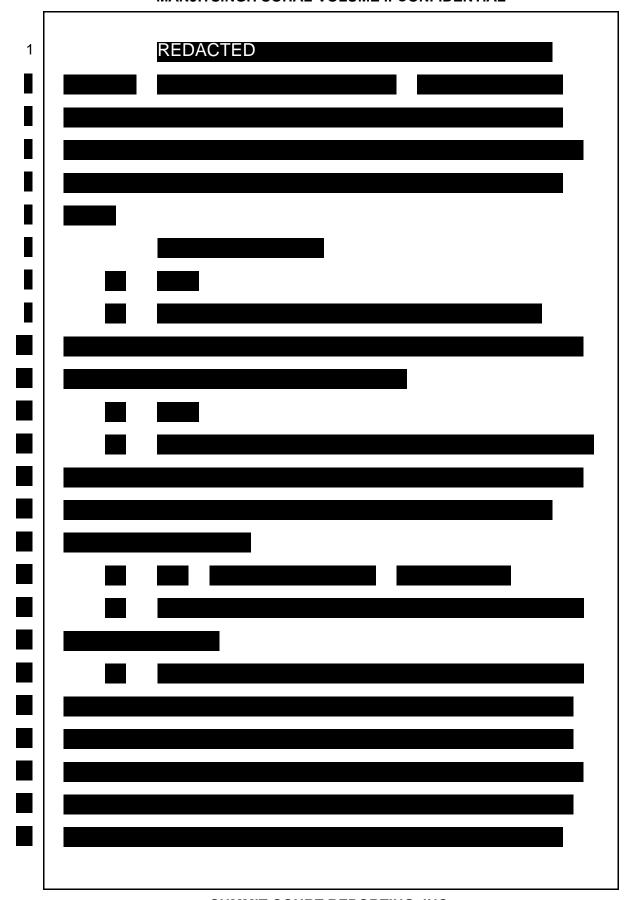
2   A.   I saw it once the exhibits were sent

3   yesterday.

4   Q.   All right. And it does appear to be in

5   the form of a RealPage tenant screening report; is

6   that correct?

7   A.   Yes.

8   Q.   Now, it identifies the applicant right up

9   front, Diane D. Jones, with an address at

10   University Heights in Ohio.

11   Do you see that?

12   A.   Yes.

13   Q.   And for this particular applicant it

14   appears that we have both a social security number,

15   even though it's not required, and also a date of

16   birth of August 13th and then the year is masked;

17   is that correct?

18   A.   Yes.

19   Q.   Okay. Let's, please, scroll down to the

20   third page of that report, which includes the

21   criminal record.

22   What I want to do, Mr. Sohal, is just

23   understand for sure how the revised answer to

24   interrogatory 15 would work in a scenario exactly

25   like this one where the applicant is Diane Jones
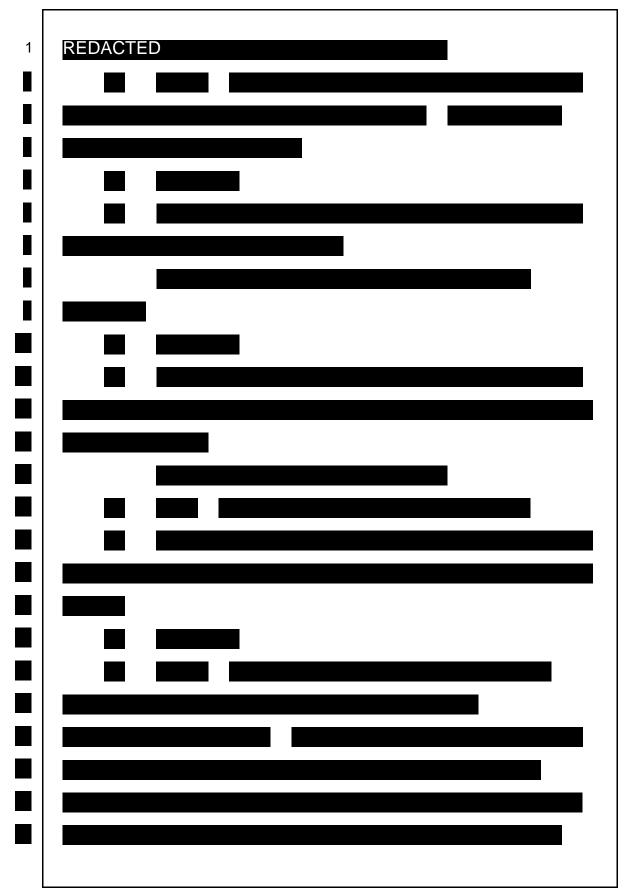
1 and you see there that there is a criminal record

2 found. The offender information is Toni Taylor.

3   Do you see that?

4   A.   Yes.

5   Q.   Then there is a second field called alias

6 information, and it appears that Toni Taylor has --

7 it looks to me like 13 different alias names that

8 she has used at some point or another.

9   Does that look correct?

10   A.   Yes.

11   Q.   Now, the way the answer -- the revised

12 answer to interrogatory 15 operates is that the

13 property input name would be Diane Jones?

14   A.   Yes.

15   Q.   Okay. And then the offender name would be

16 Toni Taylor, correct?

17   A.   Yes.

18   Q.   So the first condition in interrogatory 15

19 is satisfied that we do not have a

20 character-for-character name match between Diane

21 Jones and Toni Taylor, correct?

22   A.   Yes.

23   Q.   And then the second condition in

24 interrogatory 15 is also satisfied because Diane

25 Jones does not match character-for-character to any
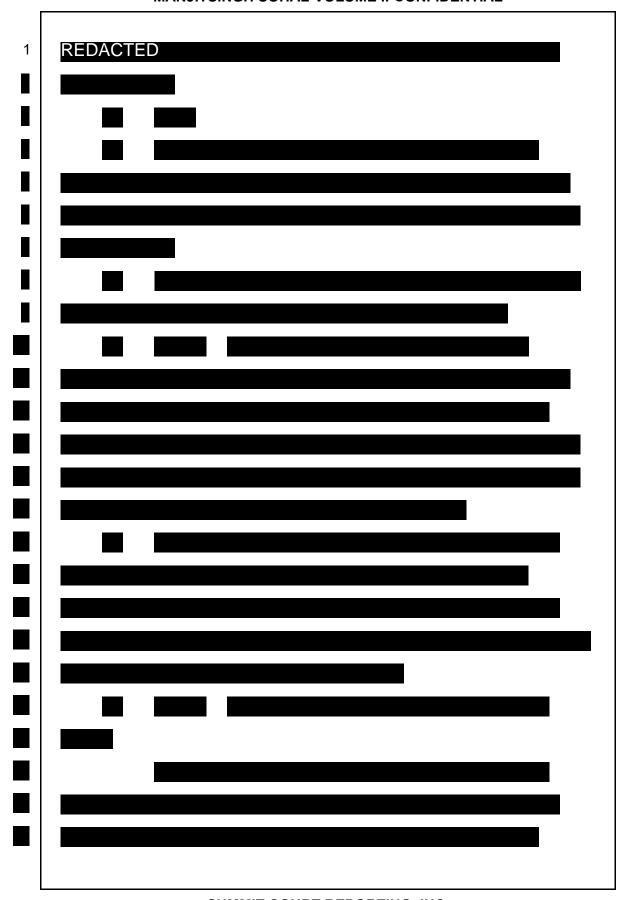
1   of these 13 alias names that we see listed on page

2   three of the report, correct?

3   A.   Yes.

4   Q.   So in this case of the plaintiff Diane

5   Jones, she would fall within that population of

6   REDACTED , correct?

7   A.   Correct.

8   Q.   Okay. I want to go back to Exhibit 4,

9   please. I want to look at the second paragraph of

10 the supplemental answer.

11   If you could scroll up just a little bit

12 so we can see the entire second paragraph. Thank

13 you.

14   Now, Mr. Sohal, I'm focusing on the

15 paragraph that begins, "In further response,

16 RealPage states."

17   Do you see that?

18   A.   Yes.

19   Q.   Okay. So I'll just note for the record

20 right here that I don't know that we asked that

21 question or that it's responsive to interrogatory

22 15 or that the court ordered it. So I don't know

23 that it's an admissible answer, but in the event it

24 is, I want to ask you some questions about it so

25 that I understand.

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1   REDACTED

MANJITSINGH SOHAL-VOLUME II-CONFIDENTIAL

1   REDACTED

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1   REDACTED

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1   REDACTED

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1   REDACTED

MANJITSINGH SOHAL-VOLUME II-CONFIDENTIAL

1   REDACT [REDACTED]

2   [REDACTED]

3   [REDACTED]

4   [REDACTED]

5   [REDACTED]

6   [REDACTED]

7   [REDACTED]

8   [REDACTED]

9   [REDACTED]

10   [REDACTED]

11   [REDACTED]

12   [REDACTED]

13   [REDACTED]

14   [REDACTED]

15   [REDACTED]

16   [REDACTED]

17   [REDACTED]

18   Q.   Okay. And would RealPage have any way of

19   knowing whether Equifax may have completely mixed

20   up the plaintiff, Diane Jones, with a total

21   stranger named Tina Smith and that's the reason why

22   there is a name variation there?

23   A.   I'm sorry. Could you repeat the question?

24   Q.   Yes.

25   Have you ever heard that the national

1   bureaus on occasion just mix the files up of people

2   who might have similar social security numbers or

3   other characteristics?

4   MR. ST. GEORGE: Object to form.

5   THE WITNESS: I can't say one way or

6   the other.

7   BY MR. SOUMILAS:

8   Q.   Okay. Have you ever heard of that in your

9   experience of working for RealPage, that on

10   occasion that it has happened, the national bureaus

11   mix up the identities of consumers?

12   MR. ST. GEORGE: Object to form.

13   THE WITNESS: I can't answer that

14   question one way or the other.

15   BY MR. SOUMILAS:

16   Q.   In the hypothetical that I asked you about

17   whether -- you know, what would happen in the

18   scenario if Diane Jones had an additional name of

19   Tina Jones, you would not be able to answer whether

20   Tina -- I'm sorry. Let me do that question again.

21   In the scenario that I previously asked

22   you where the plaintiff, Diane Jones, would have an

23   additional name on her Equifax file of Tina Smith,

24   would you agree with me that you would have no way

25   of knowing one way or the other whether Diane Jones

1   and Tina Smith are one in the same person?

2   A.   I still don't understand the question.

3   Sorry.

4   Q.   So let me see if I can break it down.

5   In the case of the plaintiff, Diane Jones,

6   it appeared as if Equifax did not provide any

7   additional names for her, although it provided some

8   additional addresses, correct?

9   A.   Correct.

10   Q.   Okay. I'm asking you hypothetically if

11   Equifax had provided an additional name of Tina

12   Smith for the plaintiff in this case, Diane Jones,

13   would RealPage have any way of being able to tell

14   based on that data whether Tina Smith and Diane

15   Jones are the same person or whether Equifax has

16   some error in its record?

17   MR. ST. GEORGE: Object to form.

18   THE WITNESS: We rely on the credit

19   bureaus to provide information, and name

20   changes are fairly common whether due to a

21   life event or otherwise. So there's no

22   reason to not trust the data based on just

23   the name.

24   BY MR. SOUMILAS:

25   Q.   So if in my example Equifax gave you the

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1   name Tina Smith as an additional name, RealPage

2   would just accept that at face value and assume

3   that Diane Jones and Tina Smith are the same

4   person?

5   MR. ST. GEORGE: Object to the form.

6   THE WITNESS: I mean, we do use the

7   credit names that are returned from the

8   credit bureaus. So the answer is yes.

9   BY MR. SOUMILAS:

10   REDACT

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1   REDACTED

MANJITSINGH SOHAL-VOLUME II-CONFIDENTIAL

1   REDACTED

1   MR. ST. GEORGE: Object to form.

2   BY MR. SOUMILAS:

3   Q.   Are you aware of any type of an analysis

4   or a study at RealPage as to whether the additional

5   names, if any, provided by the consumer reporting

6   agencies to RealPage as part of the screening

7   process are actually correct additional names for

8   the applicant, and by that I mean, a name that the

9   applicant has actually used?

10   MR. ST. GEORGE: Object to form.

11   THE WITNESS: Could you repeat the

12   question? I'm sorry. I didn't

13   understand.

14   BY MR. SOUMILAS:

15   Q.   Okay. I'm trying to figure out whether

16   for the additional names that RealPage obtains from

17   one or more of the credit agencies, whether you are

18   aware of any type of a study or analysis at

19   RealPage focusing in on those additional names in

20   order to determine whether the applicant, in fact,

21   had used the additional name provided by the credit

22   agency?

23   A.   I don't know of any study. That doesn't

24   mean it wasn't done, but I'm not aware.

25   Q.   Okay. So I think that answers all of my

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1   questions on this supplemental response, sir. So

2   with that, I'm going to close the record of your

3   deposition.

4   MR. SOUMILAS: Ideally, what I would

5   like is a second volume of your deposition

6   with today's date and attaching the

7   additional Exhibits 4 through 7 which we

8   also used in connection with your

9   testimony. With that, I rest.

10   MR. ST. GEORGE: This is Tim St.

11   George. I don't have any further

12   questions for the witness. The witness

13   will read and sign.

14   We'll make confidential designations

15   consistent with the protective order.

16   MR. SOUMILAS: That's very good.

17   Thank you. Let's go off the record.

18   -   -   -

19   (Whereupon, the proceedings

20   concluded at approximately 4:17 p.m.)

21   -   -   -

22

23

24

25

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```
 1                      CERTIFICATE
 2        I, Donna M. Ray, a Certified Court Reporter,
 3    hereby certify that the testimony and the
 4    proceedings in the foregoing matter taken on the
 5    date hereinbefore stated are contained fully and
 6    accurately in the stenographic notes taken by me
 7    and constitutes a true and correct transcript of
 8    the same.
 9
10
11                     _____
12                     DONNA M. RAY,
13                     Certified Court Reporter and
14                     Registered Professional Reporter.
15
16        (The foregoing certification of this
17    transcript does not apply to any reproduction of
18    the same by any means unless under the direct
19    control and/or direction of the certifying
20    shorthand reporter.)
21
22
23
24
25
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 1

 2                    INSTRUCTIONS TO WITNESS

 3        Read your deposition over carefully.  It is

 4   your right to read your deposition and make changes

 5   in form or substance.  You should assign a reason

 6   in the appropriate column on the errata sheet for

 7   any change made.

 8        After making any changes in form or substance

 9   which have been noted on the following errata sheet

10   along with the reason for any change, sign your

11   name on the errata sheet and date it.

12        Then sign your deposition at the end of your

13   testimony in the space provided.  You are signing

14   it subject to the changes you have made in the

15   errata sheet, which will be attached to the

16   deposition before filing.  You must sign it in

17   front of a witness.  Have the witness sign in the

18   space provided.  The witness need not be a notary

19   public.  Any competent adult may witness your

20   signature.

21        Return the original errata sheet to your

22   counsel promptly.  Court rules require filing

23   within 30 days after you receive the deposition.

24

25
```

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1   ERRATA SHEET

2   Attach to Deposition of: MANJITSINGH SOHAL

3   Taken on: Friday, April 17, 2020

4   In the matter of: Jones vs. RealPage

5   PAGE   LINE NO. CHANGE   REASON THEREFOR

6   _____

7   _____

8   _____

9   _____

10   _____

11   _____

12   _____

13   _____

14   _____

15   _____

16   _____

17   _____

18   _____

19   _____

20   _____

21   _____

22   _____

23   _____

24   _____

25

MANJITSINGH SOHAL-VOLUME II-CONFIDENTIAL

1   SIGNATURE PAGE

2   -   -   -

3   I hereby acknowledge that I have read the

4   foregoing transcript, dated Friday, April 17, 2020,

5   and the same is a true and correct transcription of

6   the answers given by me to the questions

7   propounded, except for the changes, if any, noted

8   on the errata sheet.

9   -   -   -

10

11   SIGNATURE: _Manjit Sohal_____

12   MANJITSINGH SOHAL

13

14   DATE: _5/22/2020_____

15

16

17   WITNESSED BY: _s/Bonnie Leigh_____

18

19

20

21

22

23

24

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Exhibit 18

Proposed to Be Redacted Entirely

Exhibit 19

```
            IN THE UNITED STATES DISTRICT COURT
            FOR THE NORTHERN DISTRICT OF TEXAS
                    DALLAS DIVISION

DIANE D. JONES, individually  )
and on behalf of herself      )
and all others similarly      )
situated,                     )
                              )
          Plaintiff,          )
                              )
v.                            )  Civ. No. 1:19-cv-501-JG
                              )
REALPAGE, INC. d/b/a          )
LEASINGDESK SCREENING,        )
                              )
          Defendant.          )
```

        ORAL DEPOSITION OF LAURA LEE CASTIGLIONE, produced

as a witness at the instance of the Plaintiff, and duly

sworn, was taken in the above-styled and -numbered cause

on the 13th day of December, 2019, from 10:03 a.m. to

1:27 p.m., before Ashley Trevino, CSR in and for the

State of Texas, reported by machine shorthand, at

RealPage, Inc., 2201 Lakeside Boulevard, Richardson,

Texas, pursuant to the Federal Rules of Civil Procedure.

                           - - -

LAURA LEE CASTIGLIONE

1   A P P E A R A N C E S

2

3   FOR THE PLAINTIFFS:

4   FRANCIS, MAILMAN, SOUMILAS, P.C.
           By: John Soumilas, Esquire (Via videoconference)
5   1600 Market Street
           Suite 2510
6   Philadelphia, Pennsylvania 19103
           (215) 735-8600
7   jsoumilas@consumerlawfirm.com

8

9   FOR THE DEFENDANT:

10   TROUTMAN SANDERS, LLP
           By: Ronald I. Raether, Jr., Esquire
11   5 Park Plaza
           Suite 1400
12   Irvine, California 92614
           (949) 622-2700
13   ron.raether@troutman.com

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LAURA LEE CASTIGLIONE

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5   By: Mr. John Soumilas   4

6

7

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LAURA LEE CASTIGLIONE

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 1                     LAURA LEE CASTIGLIONE,

 2     having been first duly sworn, testified as follows:

 3                          EXAMINATION

 4     BY MR. SOUMILAS:

 5          Q.   Please state your complete name for record,

 6     ma'am.

 7          A.   Laura Lee Castiglione.

 8          Q.   Ms. Castiglione, my name is John Soumilas.  I'm

 9     an attorney for Diane D. Jones who has brought a lawsuit

10     against RealPage, Inc.  The case is presently pending in

11     the Northern District of Texas and through the agreement

12     of RealPage's lawyers, I am here today through a video

13     link from my office in Philadelphia to take your

14     deposition in that case.  I understand that you're in

15     RealPage's offices today in Richardson, Texas; is that

16     correct?

17          A.   Yes.

18          Q.   And, ma'am, have you ever given a deposition

19     before or testimony under oath?

20          A.   Yes.

21          Q.   How many times?

22          A.   Less than five.

23          Q.   All right.  And what is the most recent time?

24          A.   I believe -- I don't recall exactly, it would

25     have been late -- late 2009 or '10.
```

LAURA LEE CASTIGLIONE

1   Q. All right. Well, it's been a while.

2   A. Yes.

3   Q. So I'll give you a refresher of some of the

4 important rules, and the most important rule is that you

5 took an oath subject to the penalty of perjury to tell

6 the whole truth today. Do you understand?

7   A. Yes.

8   Q. And even though you're in an office in Texas

9 and I'm in one in Pennsylvania, the proceeding today is

10 a formal one on the record and you have to testify just

11 as if we were in front of a judge and jury. Do you

12 understand that?

13   A. Yes.

14   Q. I will ask you a series of questions to find

15 out why you've been identified as a potential witness in

16 this case and what you know relevant to the case, and

17 then I'll give you an opportunity after each question to

18 state your complete answer and we'll proceed in that

19 fashion, okay?

20   A. Okay.

21   Q. Especially because we have an audio and visual

22 connection today, if you just don't hear my question,

23 any question, or if a connection is not good or you just

24 did hear me but you didn't understand what I was asking,

25 will you please let me know?

LAURA LEE CASTIGLIONE

```
 1          A.   Yes.

 2          Q.   In those cases I'll do my best to rephrase the

 3     question or restate it in a fashion so that we're

 4     communicating clearly, okay?

 5          A.   Okay.

 6          Q.   Is there any reason, Ms. Castiglione, why you

 7     can't give your best testimony today?

 8          A.   No.  There's no reason.

 9          Q.   Okay.  You said you have given testimony maybe

10     five or so times in the past.  Was that in relation with

11     any job you held at RealPage?

12          A.   No.  It was not.

13          Q.   Was that in relation to a previous job or were

14     these personal matters?

15          A.   In previous employment.

16          Q.   Okay.  Well, let's get a little bit into your

17     professional background.  Do you presently work for

18     RealPage?

19          A.   Yes.

20          Q.   Okay.  And where is your office located?

21          A.   In Richardson, where we are today, 2201

22     Lakeside Drive.

23          Q.   How long overall have you worked for RealPage?

24          A.   Two years and eight months.

25          Q.   Has all that time been at the Richardson,
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LAURA LEE CASTIGLIONE

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 1   Texas, location?
 2        A.  Yes.
 3        Q.  And, ma'am, do you presently have a title at
 4   RealPage?
 5        A.  Yes, manager of screening business operations.
 6        Q.  Have you held any other titles in your two and
 7   a half years or so at RealPage?
 8        A.  Yes, two others.
 9        Q.  So, let's do them in reverse chronological
10   order.  What was the title immediately before the
11   manager screening business operations position that
12   you're presently holding?
13        A.  Team lead for dispute investigations.
14        Q.  Okay.  And then you had one prior title to that
15   when you first joined the company?
16        A.  Yes.  Dispute investigator.
17        Q.  All right.  Would you please tell us in summary
18   form what your basic duties and responsibilities are in
19   the manager position that you're currently holding?
20        A.  Yes.  I oversee the investigative team for
21   consumer dispute investigations that relate to criminal
22   and civil issues.
23        Q.  How many people work on that team?
24        A.  Overall, there are six employees that report to
25   me.
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LAURA LEE CASTIGLIONE

1   Q. All right. And do those six employees handle

2 investigations based on disputes made by consumers?

3   A. Yes, but not all. So, two of them do.

4   Q. And what do the other four do on your team?

5   A. They are criminal researchers and civil

6 researchers.

7   Q. And what does that mean to be a researcher at

8 RealPage?

9   A. It's a different product that they work for,

10 and they do screening research for records that are

11 reported.

12   Q. I'm sorry, when you say, a different product,

13 what do you mean?

14   A. It's a different product area that we work for,

15 not -- it's a screening product but not the LeasingDesk

16 screening product.

17   Q. Okay. So LeasingDesk is the product that is

18 related to background reports for tenant screening

19 purposes?

20   A. Yes.

21   Q. Okay. And some of the people who report to you

22 also do research and work related to other products sold

23 by RealPage, correct?

24   A. Correct.

25   Q. Is that -- the people who report to you, the

LAURA LEE CASTIGLIONE

1 six of them, is that the sum total of employees at

2 RealPage who are involved in the investigation process

3 of consumer disputes or are there additional employees

4 who also have those duties?

5   A. I'm sorry, could you say that one more time?

6   Q. Yes. So I understood that the six people who

7 report to you are on your team related to consumer

8 disputes; is that correct?

9   A. Yes.

10   Q. And what I'm trying to understand is whether

11 there's any other team or any other group of people who

12 also deal with investigating consumer disputes or

13 whether your team is the entire team at RealPage for

14 that purpose?

15   A. So just to clarify, consumer disputes and

16 investigations are separate entities. I have the

17 investigative portion of consumer disputes for

18 LeasingDesk screening for criminal.

19   Q. And that's what I'm trying to understand. In

20 RealPage, what's the difference between the dispute team

21 and the investigative team?

22   A. The dispute team is -- there's a consumer

23 operations group that handles what are called disputes.

24 Now, they don't necessarily investigate, they do the

25 processing and the compilation of information. The

LAURA LEE CASTIGLIONE

```
 1    investigative piece for criminal items falls to my team,

 2    the investigative team.

 3         Q.   Okay.  I think I understand.  So there is a

 4    separate team, but their role is statistical in nature

 5    or you said they process information, correct?

 6         A.   Right.  They receive it from a consumer and

 7    they compile it into a -- into documentation.  There are

 8    other types of disputes that happen at RealPage, but the

 9    criminal dispute investigation piece is my team's

10    responsibility.  So what's compiled by a consumer

11    dispute team, if it is criminal and requires

12    investigation, comes to my team.

13         Q.   That's helpful.  Thank you.

14              So how many people work at RealPage on the

15    consumer dispute team?

16         A.   I'm not certain the number.

17         Q.   And am I correct that in certain instances

18    where it's determined that it's a criminal record that

19    is the subject of a dispute that requires an

20    investigation, those types of disputes would be

21    forwarded on to your team for investigation?

22         A.   Yes.

23         Q.   Then am I accurate that your team of six would

24    handle all criminal dispute investigations at RealPage?

25         A.   Not necessarily.  Those that are assigned to
```

LAURA LEE CASTIGLIONE

1   us, yes.

2   Q.   Are there additional teams or additional

3   divisions that handle investigations into disputes by

4   consumers about criminal records?

5   A.   For LeasingDesk screening, no.

6   Q.   Okay. When you said that earlier in your

7   career at RealPage as dispute investigator, were you one

8   of those people who are currently on your team and who

9   would investigate consumer disputes of criminal records?

10   A.   Yes.

11   Q.   So you have firsthand knowledge of that

12   process, how that investigation is conducted, correct?

13   A.   Yes.

14   Q.   And then you also presently have a manager or

15   supervisory role for those same type of investigations

16   into consumer disputes of criminal records?

17   A.   Yes.

18   Q.   We're going to get back to that a little bit

19   later today, but I want to get a little better

20   understanding of your overall background.

21   So before you joined RealPage, what sort of

22   work were you doing?

23   A.   I was in law enforcement as a civilian

24   employee.

25   Q.   Who did you work for?

LAURA LEE CASTIGLIONE

1   A.   I worked originally for the Rowlett, Texas,

2 police department for fifteen years, and after that I

3 consulted with the North Texas Emergency Communications

4 Center in Carrollton, Texas.

5   Q.   And how long did you do that, the consulting?

6   A.   For a year.

7   Q.   And then immediately after the year of

8 consulting you joined RealPage?

9   A.   No, not immediately, it was the next job that I

10 had, but I didn't transition immediately.

11   Q.   Okay. Will you just explain?

12   A.   Yes, I took some time off.

13   Q.   Okay. You said you had a civil job with the

14 police department for fifteen years, what was that?

15   A.   I was a communications center manager. So I

16 managed police, fire, EMS dispatch, and the 911 center.

17   Q.   Got it. In your time in working in law

18 enforcement, did you have any specific responsibilities

19 related to criminal records?

20   A.   Yes.

21   Q.   And what is your experience with criminal

22 records maintained by courts, for example?

23   A.   Frequently was -- well, we housed and entered

24 all warrants that were issued from our court. We

25 confirmed any warrant that was called in for and we

LAURA LEE CASTIGLIONE

1   managed that whole process of warrant confirmation and

2   clearance entry.

3   Q. Okay. Any other type of arrests for police or

4   court records related to crimes that you dealt with on a

5   regular basis while you were in the law enforcement

6   field?

7   A. Well, yes, we accessed them continuously,

8   daily, as part of our -- as part of police dispatch, we

9   were continually running individuals and confirming

10   warrants.

11   Q. And you said this was on a daily basis?

12   A. When I originally started as a dispatcher, yes.

13   I eventually managed the team, but my team did that on a

14   continual basis.

15   Q. And when you say, running individuals, would

16   you please explain for the record what you mean by that?

17   A. Sure. So, as a result of an encounter with law

18   enforcement, running their name and information through

19   the state and national database, law enforcement

20   databases for warrants and information.

21   Q. And when you say, running their name and

22   information, what specifically do you mean?

23   A. Their name and date of birth.

24   Q. Ms. Castiglione, other than your experience

25   with law enforcement and law enforcement consulting that

LAURA LEE CASTIGLIONE

1   we've talked about, do you have any other type of work

2   experience prior to joining RealPage?

3   A.   No.

4   Q.   What is your educational background, ma'am?

5   A.   I graduated in December of 2014 with a

6   bachelor's degree from the University of North Texas,

7   and an associate's degree from Dallas County Community

8   College in 2012.

9   Q.   Thank you. You said you gave some testimony

10   for a prior employer years ago. Who was that?

11   A.   Rowlett Police Department.

12   Q.   And in what context did you give testimony

13   under oath, was it in court?

14   A.   Yes.

15   Q.   What type of proceeding was it that involved

16   your testimony?

17   A.   Trials. So I would be as the --

18   Q.   I'm sorry, go on.

19   A.   I test- -- the last one I recall I was also

20   involved in searching prisoners in the jail, female

21   prisoners in the jail, and it was a fight, so it was a

22   trial for that.

23   Q.   Okay. So on occasion when there were criminal

24   proceedings brought by the prosecutor's office, they

25   needed you as a witness in one of the cases?

LAURA LEE CASTIGLIONE
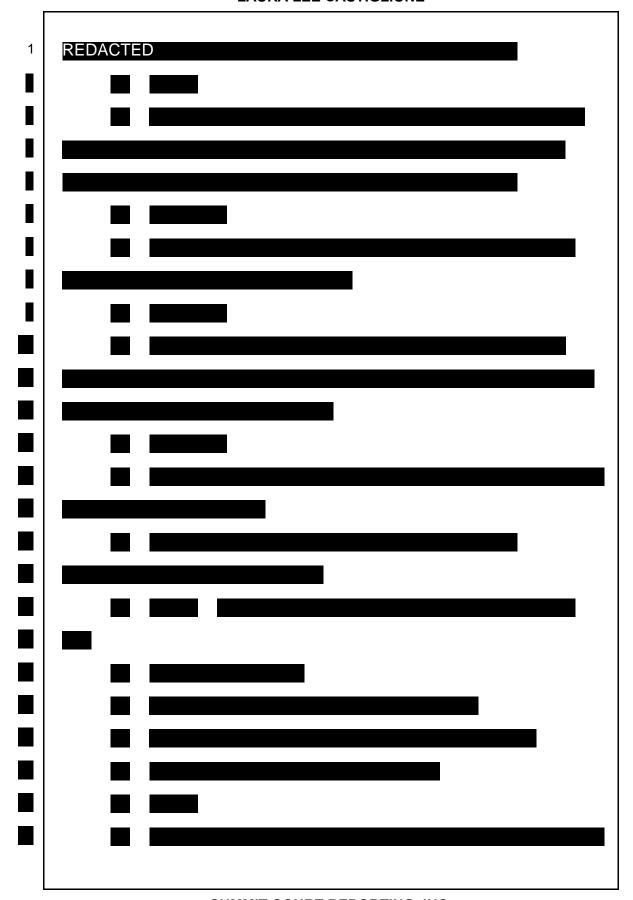
1   A.   Yes.

2   Q.   Am I correct that you've never given testimony

3   under oath on behalf of RealPage before?

4   A.   That's correct.

5   Q.   That would be trials, depositions, hearings,

6   never?

7   A.   Never.

8   Q.   Okay. And have you been asked by RealPage as

9   part of your job to sign any documents under penalty of

10   perjury, like legal documents in a lawsuit, for example,

11   such as interrogatory responses or affidavits?

12   A.   I don't -- I don't recall. I don't recall.

13   Not that I -- no, not that I recall.

14   Q.   Okay. Did you do anything to prepare to give

15   testimony today in the Jones case?

16   A.   I did, yes.

17   Q.   What did you do?

18   A.   I met yesterday with Mr. Raether to get an --

19   some information on what -- the reason that I was called

20   for and to look over some procedures and provide a

21   procedure that I had written, just a brief explanation,

22   and some discussion of what to expect.

23   (Exhibit No. 1 marked.)

24   Q.   Okay. And for the record, we have a document

25   marked as Exhibit Castiglione 1 today. It has Bates

LAURA LEE CASTIGLIONE

1   stamp number 790 through 794 on the bottom right. Would

2   you please take a look at that?

3   A. Yes.

4   THE WITNESS: Thank you.

5   A. Okay.

6   Q. Ms. Castiglione, is this the policy document

7   that you just referenced reviewing yesterday with

8   RealPage's attorney, Mr. Raether?

9   A. Yes, I did provide this after our discussion.

10   Q. Okay. And this one on the front page says,

11   prepared by Lee Castiglione. That's you?

12   A. Correct.

13   Q. Okay. Other than this investigative methods

14   policy document, did you review any other documents in

15   preparing to give testimony today?

16   A. Yes.

17   Q. What else did you review?

18   A. I read the -- sorry, I don't recall the name of

19   it. The documentation from the court, the updated case

20   information filing. Briefly discussed and --

21   MR. RAETHER: Let me just caution you, you

22   don't disclose what you and I discussed, that's

23   attorney-client privilege.

24   THE WITNESS: Sorry.

25   MR. RAETHER: You can identify the

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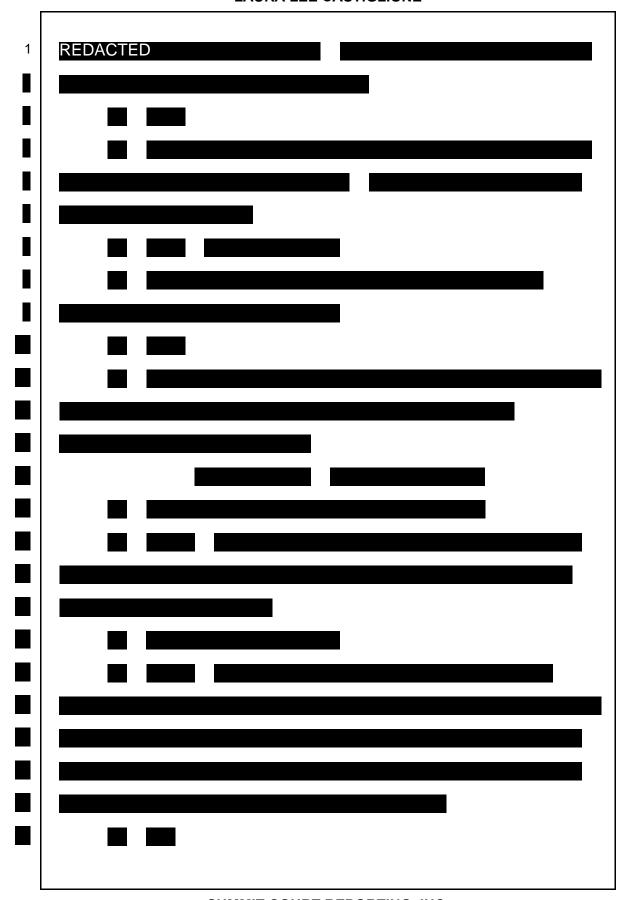
1   documents.

2   THE WITNESS: Okay.

3   Q. So that's right, Ms. Castiglione, I'm just

4   trying to see what documents you looked at to prepare to

5   give testimony. So you said -- you said something from

6   the court. Are you talking about Ms. Jones' lawsuit,

7   the complaint to get this lawsuit started?

8   A. No.

9   Q. Are you talking about criminal records that

10   were on Ms. Jones' RealPage background report which she

11   disputed with RealPage?

12   A. I looked at the -- yes. The screening report.

13   Q. And the screening report is the RealPage report

14   about the plaintiff in this case, Diane Jones?

15   A. Yes.

16   Q. Okay. And did you look at any of the

17   underlying criminal records or anything that was placed

18   on Ms. Jones' screening report?

19   A. I looked at what was contained on the screening

20   report, including the records that appeared on the

21   screening report.

22   Q. So you would agree with me that there was a

23   record that appeared on Ms. Jones' screening report that

24   was a criminal record from Georgia; do you recall that?

25   A. Yes.

LAURA LEE CASTIGLIONE

1   Q. I'm trying to get a sense of whether you

2 reviewed any court documents from Georgia related to

3 that crime or whether you were simply looking at the

4 screening report on Ms. Jones prepared by RealPage?

5   A. So yesterday I looked at the screening report

6 only.

7   Q. Okay. Have you seen that before yesterday for

8 Ms. Jones?

9   A. Yes.

10   Q. When?

11   A. I don't recall -- I don't recall when. I don't

12 recall.

13   Q. Did you personally, Ms. Castiglione, have

14 anything to do with investigating any dispute made by

15 Ms. Jones to RealPage?

16   A. No.

17   Q. Have you ever interacted directly with the

18 plaintiff, Ms. Jones, in any way, over the phone, write

19 to her, anything?

20   A. No.

21   Q. Did you have anything to do in the preparation

22 of the screening report about her that was sold to a

23 landlord in the Cleveland area?

24   A. No.

25   Q. Okay. Am I correct, then, that you have no

LAURA LEE CASTIGLIONE

1 firsthand interactions or knowledge concerning the

2 plaintiff in this matter, Diane Jones?

3   A. As far as the screening and investigation, no.

4   Q. All right. Did you have any other firsthand

5 knowledge in processing any report or any information

6 concerning the plaintiff, Ms. Jones?

7   A. No.

8   Q. Okay. That's one thing I'm trying to figure

9 out, whether you're an eyewitness, if you will, to

10 something that happened directly with Ms. Jones, and it

11 sounds to me like you're not, you are not aware that

12 there was a report about her, or that she made a dispute

13 or anything like that before this lawsuit was brought?

14   A. That is correct.

15   Q. Okay. During your day-to-day operations of

16 working at RealPage, you never came across Ms. Jones or

17 her file, or her dispute, nothing like that?

18   A. Correct.
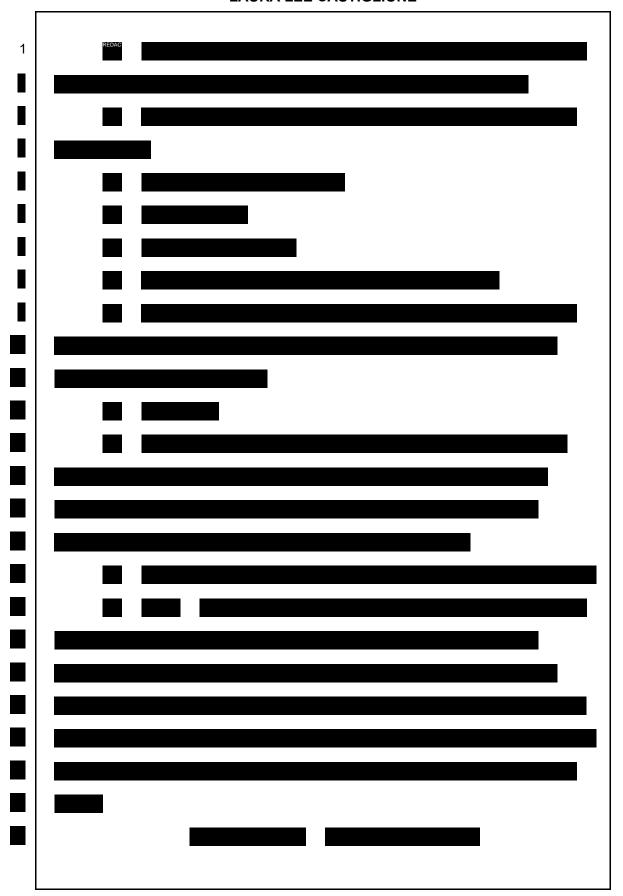
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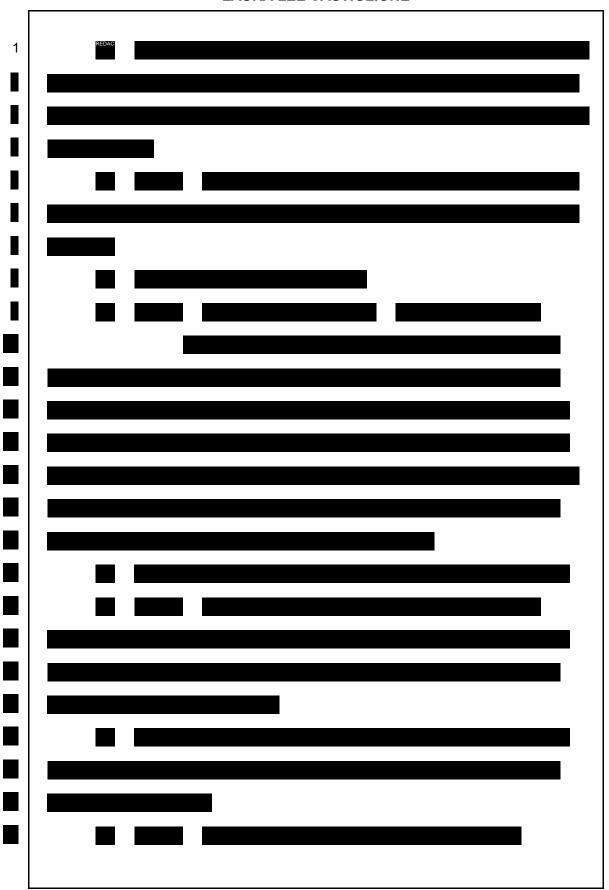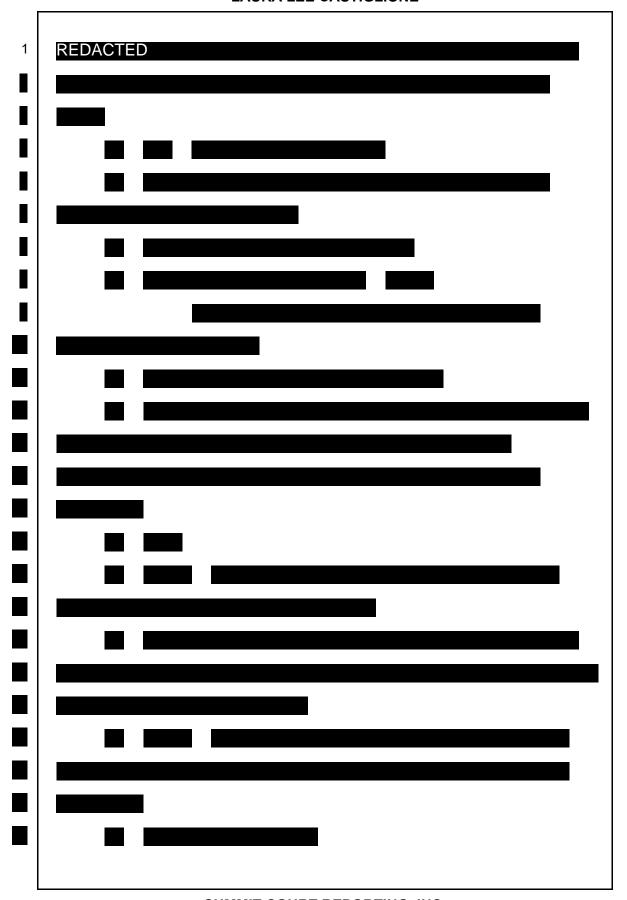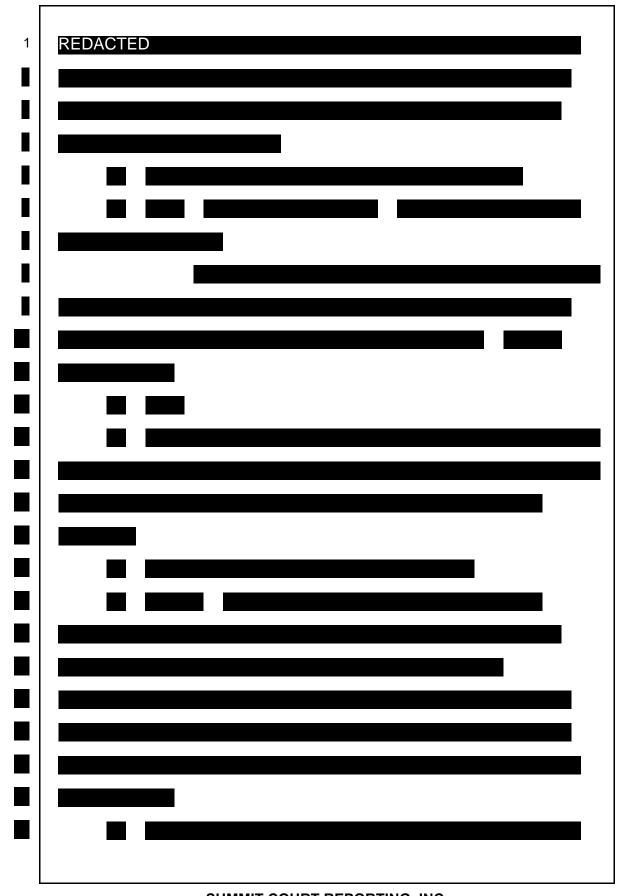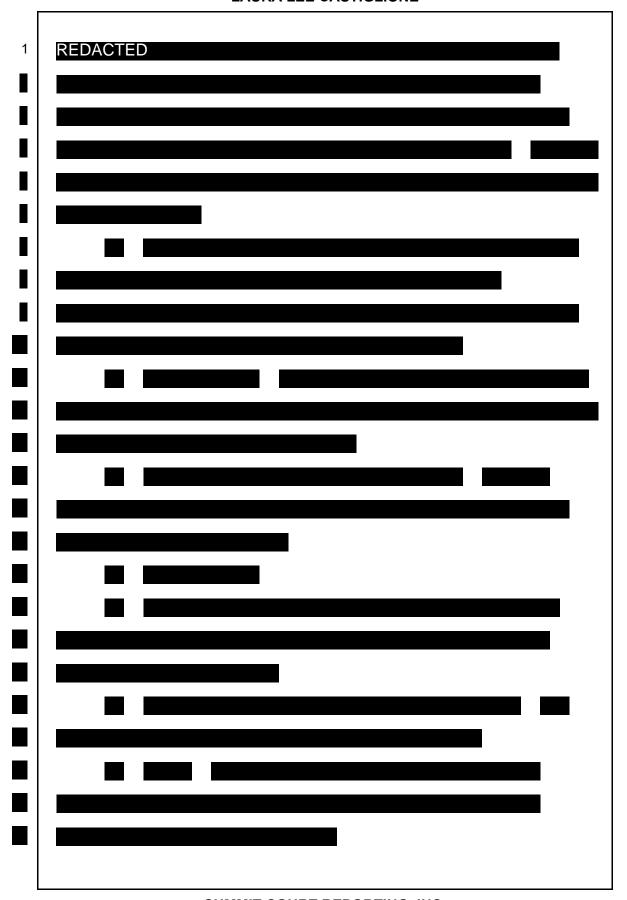
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 1        Q.  All right.  Ms. Castiglione, do you know a
 2   Becky Boyst?
 3        A.  Yes.
 4        Q.  How do you know her?
 5        A.  She is a colleague of mine in screening
 6   operations.
 7        Q.  And how long have you known Ms. Boyst?
 8        A.  I have known her since I started.  I met her
 9   when I started.
10        Q.  How frequently do you work with her?
11        A.  Today -- how frequently do I work with her?
12        Q.  Yes.
13        A.  We encounter each other daily.
14        Q.  Okay.  And is she a part of your team?
15        A.  No.
16        Q.  Where does she work within screening operations
17   relative to your team?
18        A.  Courtney Grosse is the director of screening
19   operations and in that umbrella is screening consumer
20   operations which is Becky -- Becky manages that team,
21   and screening business operations, which is the team
22   that I manage.  So we're managers --
23        Q.  Okay.
24        A.  -- both managers in screening operations.
25        Q.  Got it.  So you and Ms. Boyst have parallel
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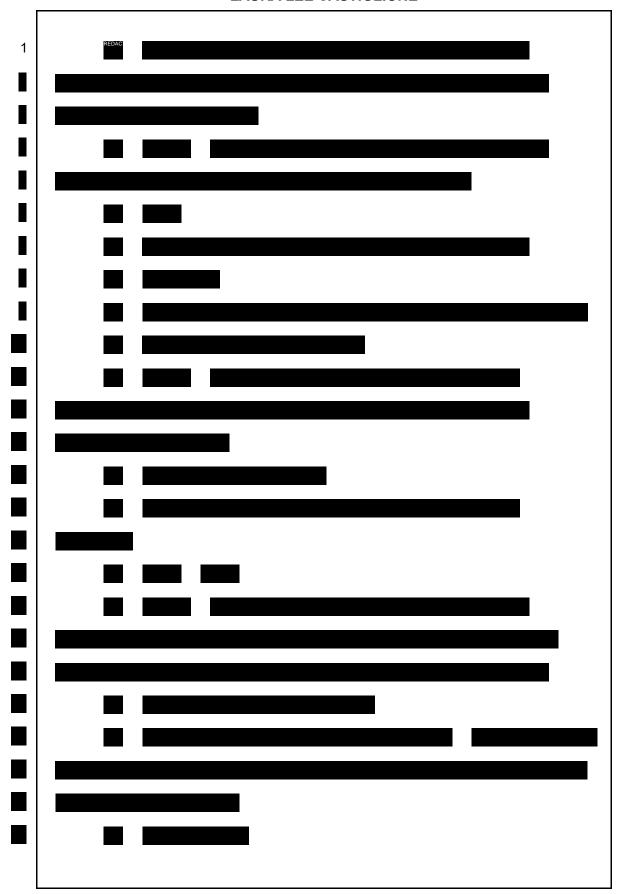
1 positions, if you will, but in different divisions?

2   A. Correct.

3   Q. Of screening operations.

4   A. Correct.

5   Q. All right. I understand.

6   Now, I'm going to ask you a few questions

7 that sounds to me are not within your area, but correct

8 me if I'm wrong because I want to make sure I understand

9 your background and what you do at RealPage.

10   Do you presently or did you ever in your

11 time at RealPage have a job concerning the initial

12 preparation of screening reports to be delivered to a

13 potential landlord?

14   A. No.

15   Q. Do you now or did you ever in the past have

16 anything to do with creating the matching logic used at

17 RealPage to match a particular criminal record to a

18 particular tenant applicant in the initial preparation

19 of the screening report for a landlord?

20   A. No.

21   Q. So am I correct that the part of the business

22 that you work in relates only to those situations where

23 a consumer finds out that a screening report that was

24 prepared about them had some information on it that the

25 consumer believes is not correct and that they're going

LAURA LEE CASTIGLIONE

1   to make a dispute to RealPage about that information?

2   MR. RAETHER: Objection to form.

3   A.   Can you state that one more time, please.

4   Q.   Yes. Is your experience with RealPage

5   exclusively related to situations where consumers are

6   going to make a dispute about a report, screening

7   report, that has already been prepared and delivered to

8   someone?

9   A.   It is after a consumer has initiated a dispute

10 for criminal records.

11   Q.   Okay. Is that typically done where there is a

12 criminal record on a report that a consumer sees and

13 they disagree with it, they think it shouldn't be there?

14   MR. RAETHER: Objection, form.

15   A.   I don't know if -- I don't know at what point

16 they're making that decision. I know that it is a

17 consumer initiated dispute.

18   Q.   Okay. Do you know how many disputes overall

19 from consumers RealPage receives in any given year?

20   A.   No.

21   Q.   Do you know the percentage of consumers who

22 make a dispute in relation to the overall number of

23 reports sold by RealPage?

24   A.   No.

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9   Q. Right. That's what I'm trying to get at, okay.

10   So we can go off the record and take a break now that we

11   finished that thought. How long do you need?

12   MR. RAETHER: Let's take ten minutes.

13   MR. SOUMILAS: Sure. That's reasonable.

14   I'll be back here in ten.

15   (Break taken at 11:20 a.m. to 11:39 a.m.)

16   MR. SOUMILAS: Let's go back on the record.

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7   MR. RAETHER: John, when you get to a good

8   place for a break, we've been going for over an hour.

9   MR. SOUMILAS: Sure. How long a break do

10   you think you want?

11   MR. RAETHER: Let's go off the record.

12   (Break taken from 12:38 p.m. to 12:51 p.m.)

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10   Q.   All right.   So those are all the questions that

11   I have for today, ma'am.   And I would just ask that

12   Exhibit Castiglione 1 be attached to your transcript.

13   And I'll turn you over to your counsel if he has any

14   questions.

15   MR. RAETHER: So I have no questions.   The

16   witness would like to read and sign, and the transcript

17   will be subject to the protective order and the process

18   outlined in that order for review and designation of

19   confidentiality.

20   MR. SOUMILAS: Okay.   Let us know promptly,

21   please, what you might think is confidential in this

22   transcript and we'll treat it according to the order.

23   So with that said, we're off the record.

24   Thank you, everybody.

25   THE REPORTER: Wait one second, please.

LAURA LEE CASTIGLIONE

1   MR. RAETHER: Hey, John. Hey, John.

2   MR. SOUMILAS: Yeah?

3   THE REPORTER: Can I get your orders on the

4   record, please.

5   MR. RAETHER: She wants your order.

6   MR. SOUMILAS: So we have a standing order

7   through Summit. That's who you're there for today,

8   right?

9   THE REPORTER: Yes. Okay. That's all I

10   needed.

11   MR. SOUMILAS: The standard from Summit.

12   They know exactly what that is.

13   MR. RAETHER: We just want the mini.

14   She'll read and sign. You can communicate through me

15   for that.

16   - - -

17   (Wherupon, the proceedings

18   concluded at approximately 1:27 p.m.)

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LAURA LEE CASTIGLIONE

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 1   STATE OF TEXAS     )

 2        I, Ashley Trevino, Certified Shorthand Reporter in

 3   and for the State of Texas, hereby certify to the

 4   following:

 5        That the witness, LAURA LEE CASTIGLIONE, was duly

 6   sworn by me and that the transcript of the oral

 7   deposition is a true record of the testimony given by

 8   the witness and the statements of counsel;

 9        That review and signature was reserved;

10        I further certify that I am neither counsel for,

11   related to, nor employed by any of the parties or

12   attorneys in the action in which this proceeding was

13   taken, and further that I am not financially or

14   otherwise interested in the outcome of the action.

15        Certified to by me this 2nd day of January, 2020.

16

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19

20                          _____
                            Ashley Trevino, Texas CSR 9295
21                          Expiration Date:  12/31/20
                            Summit Court Reporting, Inc.
22                          1500 Walnut Street
                            Suite 1610
23                          Philadelphia, Pennsylvania  19102
                            Phone:  215.985.2400
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LAURA LEE CASTIGLIONE

1   INSTRUCTIONS TO THE WITNESS

2   Read your deposition over carefully

3   It is your right to read your deposition and make

4   changes in form or substance. You should assign a

5   reason in the appropriate column on the errata

6   sheet for any change made.

7   After making any changes in form or

8   substance which have been noted on the following

9   errata sheet along with the reason for any change,

10   sign your name on the errata sheet and date it.

11   Then sign your deposition at the

12   end of your testimony in the space provided. You

13   are signing it subject to the changes you have

14   made in the errata sheet, which will be attached

15   to the deposition before filing. You must sign it

16   in front of a witness. Have the witness sign in

17   the space provided. The witness need not be a

18   notary public. Any competent adult may witness

19   your signature.

20   Return the original errata sheet to

21   your counsel promptly. Court rules require filing

22   within thirty days after you receive the

23   deposition.

24

25

LAURA LEE CASTIGLIONE

1   ERRATA SHEET

2   Attach to Deposition of: Laura Lee Castiglione
       Taken on: December 13, 2019
3   In the matter of: Jones v. RealPage, Inc., et al.

4   PAGE   LINE NO.   CHANGE   REASON

5   _____

6   _____

7   _____

8   _____

9   _____

10   _____

11   _____

12   _____

13   _____

14   _____

15   _____

16   _____

17   _____

18   _____

19   _____

20   _____

21   _____

22   _____

23   _____

24   _____

25   _____

LAURA LEE CASTIGLIONE

```
1                       SIGNATURE PAGE

2

3                           - - -

4

5              I hereby acknowledge that I have

6     read the aforegoing transcript, dated December 13,

7     2019, and the same is a true and correct

8     transcription of the answers given by me to the

9     questions propounded, except for the changes, if

10    any, noted on the Errata Sheet.

11

12                          - - -

13

14

15

16

17    SIGNATURE:        _____
                        Laura Lee Castiglione
18

19    DATE:             _____

20

21    WITNESSED BY:     _____

22

23

24

25
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LAURA LEE CASTIGLIONE

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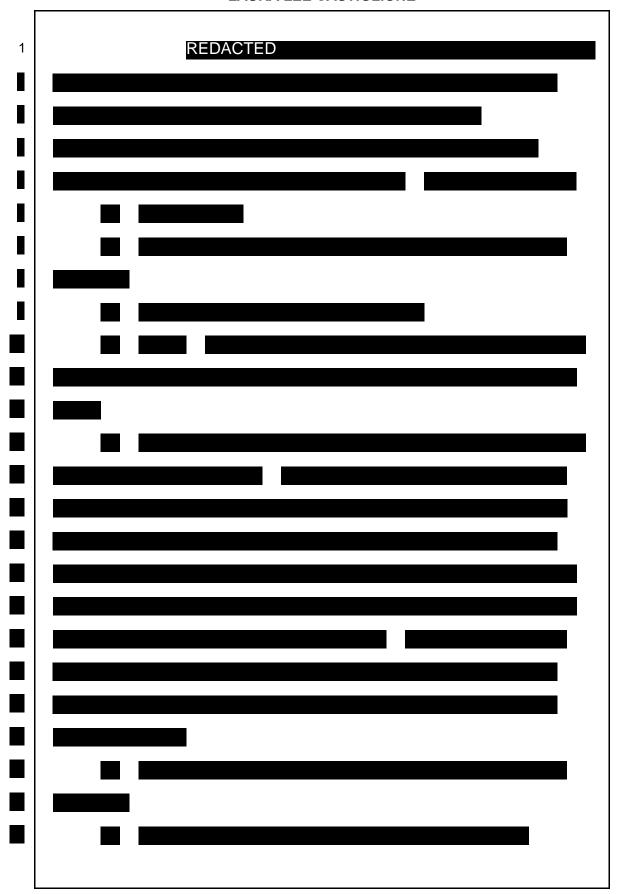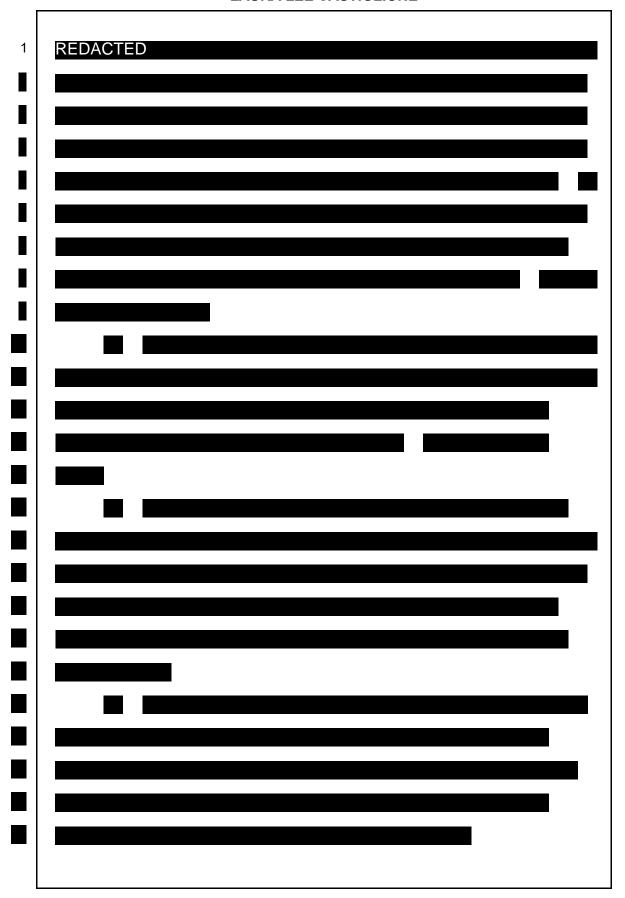**created** 51:5
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Exhibit 20

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 1           IN THE UNITED STATES DISTRICT COURT

 2              NORTHERN DISTRICT OF TEXAS

 3

 4            ~~~~~~~~~~~~~~~~~~~~

 5     DIANE D. JONES,

 6

 7              Plaintiff,

 8

 9       vs.                    No. 3:19-cv-02087-B

10

11

12    REALPAGE, INC., d/b/a LEASINGDESK SCREENING,

13

14              Defendant.

15            ~~~~~~~~~~~~~~~~~~~~

16            Videotape deposition of

17                DIANE D. JONES

18            Tuesday, January 14, 2020

19                 10:02 a.m.

20                 Taken at:
                Veritext- Cleveland
                1100 Superior Avenue
21                Cleveland, Ohio
22              Wendy L. Klauss, RPR

23

24     JOB NO. 3822766

25     PAGES 1 - 207


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 1    APPEARANCES:

 2

 3         On behalf of the Plaintiffs:

 4               Francis Mailman Soumilas P.C.

 5               LAUREN KW BRENNAN, ESQ.

 6               1600 Market Street, Suite 2510

 7               Philadelphia, PA   19103

 8               (215) 735-8600

 9               Lbrennan@consumerlawfirm.com

10

11         On behalf of the Defendant:

12               Troutman Sanders

13               TIMOTHY J. ST. GEORGE, ESQ.

14               1001 Haxall Point

15               Richmond, VA   23219

16               (804) 697-1200

17               Tim.st.george@troutman.com

18

19                    ~ ~ ~ ~ ~

20    ALSO PRESENT:

21               Kurt Henschel, Videographer

22               Martin Thornthwaite, Esq.,

23               In-house counsel, RealPage, Inc.

24                    ~ ~ ~ ~ ~

25
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1   THE VIDEOGRAPHER: We are on the

2   record at 10:02. Today's date January 14,

3   2020. This is the matter of Diane Jones versus

4   RealPage. This deposition is taking place in

5   Cleveland, Ohio.

6   Would counsel please identify

7   themselves for the record.

8   MR. ST. GEORGE: Timothy St.

9   George, counsel for RealPage, Inc., and I have

10   on the line as well, attending by telephone,

11   Martin Thornthwaite, in-house counsel for

12   RealPage, Inc.

13   MS. BRENNAN: Lauren Brennan, on

14   behalf of the plaintiff.

15   THE VIDEOGRAPHER: Would the court

16   reporter please swear in the witness.

17   DIANE D. JONES, of lawful age,

18   called for examination, as provided by the

19   Statute, being by me first duly sworn, as

20   hereinafter certified, deposed and said as

21   follows:

22   EXAMINATION OF DIANE D. JONES

23   BY MR. ST. GEORGE:

24   Q.   All right. Good morning, Ms.

25   Jones.

                                              Page 7

1   A.   Good morning.

2   Q.   Thanks for being us with today. I

3   appreciate it.

4   Ms. Jones, you understand that you

5   have just been placed under oath, just as you

6   would be if you were in a court?

7   A.   Yes, I do.

8   Q.   Do you understand that that

9   obligates you to tell the truth with respect to

10   your testimony today?

11   A.   Yes.

12   Q.   We have a court reporter sitting

13   here today who is taking down your testimony.

14   She is taking it down in writing, and so for

15   that reason it is important that when I ask you

16   a question, you give me a verbal response, and

17   by that I mean, shaking your head one way or

18   the other or using hand gestures don't

19   translate to a transcript.

20   So if I ask you a question, it

21   would be natural for you to shake your head one

22   way or the other perhaps, but we do need a

23   verbal response; does that make sense?

24   A.   Yes.

25   Q.   Sometimes during this deposition,

Page 8

1   Ms. Brennan, your counsel, may put an objection

2   on the record. She is just doing her job. If

3   she says an objection, the protocol is for you

4   to still go ahead and answer the question,

5   unless she instructs you not to answer.

6   So it's a little bit of an unusual

7   process, but I want to make sure that you are

8   aware of. So even if she objects to form, you

9   will probably look over at her, but the

10   protocol, as I mentioned, is for you to still

11   go ahead and answer, unless she tells you

12   otherwise, okay?

13   A.   Okay.

14   Q.   Let me know if you don't understand

15   a question that I ask you today. I'm sure at

16   some point I'll make some statement that you

17   don't find to be particularly clear. My only

18   goal for today is to ask clear questions and to

19   get clear answers.

20   So again, if you don't understand

21   something, please ask me to rephrase, but if I

22   ask you a question and you don't ask me to

23   rephrase, is it fair for me to assume that you

24   have understood the question that I have asked?

25   A.   Yes.

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```
 1              Q.    Let me know if at any point today
 2     you need a break.  This deposition will span
 3     multiple hours, and it's not an endurance
 4     contest.  I want you to be comfortable.  The
 5     only thing I'll ask is if we are in the middle
 6     of a question-and-answer series, that we simply
 7     go ahead and close out that question-and-answer
 8     sequence before we take a break, okay?
 9              A.    Okay.
10              Q.    Is there any reason why your
11     ability to testify today would be impaired,
12     either through any medical conditions or any
13     substances that you might have taken?
14              A.    No.
15              Q.    All right.  Have you ever been
16     deposed before, Ms. Jones?
17              A.    Yes.
18              Q.    Tell me briefly, how many times?
19              A.    Once.
20              Q.    And what was that case, do you
21     recall?
22              A.    Yes.  I was involved in an
23     accident.
24              Q.    Was this an automobile accident?
25              A.    Yes.
```

Page 10

1   Q.   And when was that?

2   A.   I believe 1988.

3   Q.   Okay. All right. So it's been a

4   while.

5   A.   Yes.

6   Q.   Were you the plaintiff or the

7   defendant in that case?

8   A.   The defendant.

9   Q.   Okay. And that's your only

10   deposition?

11   A.   Yes.

12   Q.   Have you ever testified in court?

13   A.   No.

14   Q.   All right. Can you please give me

15   your full name, Ms. Jones, for the record?

16   A.   Diane Denise Jones.

17   Q.   And how old are you, Ms. Jones?

18   A.   58.

19   Q.   And are you still living in Ohio?

20   A.   I am, yes.

21   Q.   Okay. What's your current address?

22   A.   My address is 24350 Lake Shore

23   Boulevard, suite 102, Euclid, Ohio, 44123.

24   Q.   You gave a suite name. I assume,

25   is that an apartment complex?

                                          Page 11

```
 1              A.     Yes.

 2              Q.     Okay.  And how long have you

 3     been -- can I just call that the Euclid

 4     address?

 5              A.     Yes.

 6              Q.     How long have you been living in

 7     Euclid at that address?

 8              A.     At this address, I've been there

 9     for two years.

10              Q.     So we are sitting here today in

11     January of 2020.  It's fair to say you moved in

12     in January of 2018?

13              A.     Well, actually, it will be two

14     years in April.

15              Q.     Okay.  Understood.  So you moved in

16     in April of 2018?

17              A.     Yes.

18              Q.     Are you on a one-term lease -- or

19     one-year lease, excuse me?

20              A.     I'm not on a lease.

21              Q.     Okay.  Do you own?

22              A.     No.  It's month to month.

23              Q.     Month to month, got it.

24                     And what is your monthly rent?

25              A.     $575.
```

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```
1          Q.     And what type of apartment is it,
2     is it a one bedroom?
3          A.     Yes.
4          Q.     That $575 a month, do you know if
5     that is at all subsidized in any way?
6          A.     No, it isn't.
7          Q.     So this would be a market-rate
8     apartment, to use that term?
9          A.     Yes.
10         Q.     And where were you living
11    immediately prior to April of 2018?
12         A.     I lived down the street on Lake
13    Shore at a different apartment, and I was there
14    for one year.
15         Q.     So you lived down the street on
16    Lake Shore for one year, so you were there from
17    April 2017 through April 2018?
18         A.     Correct.
19         Q.     Is that also an apartment?
20         A.     Yes.
21         Q.     Was that month-a-month apartment as
22    well?
23         A.     No.
24         Q.     Did you have a lease?
25         A.     Yes.
```

Page 13

```
 1            Q.    What was the term of that lease?

 2            A.    One year.

 3            Q.    And what was the rate -- what was

 4    the monthly rate?

 5            A.    $610.

 6            Q.    And was that a subsidized apartment

 7    or was that market rate?

 8            A.    Market rate.

 9            Q.    One bedroom?

10            A.    Yes.

11            Q.    Why did you move in April of 2018?

12            A.    The rent was lower.

13            Q.    Any other reason?

14            A.    No.

15            Q.    And you mentioned it's right down

16    the street?

17            A.    Yes.

18            Q.    All right.  How about before April

19    of 2017, where were you living?

20            A.    Before I lived in University

21    Heights.  I shared a home with my daughter and

22    my granddaughter.

23            Q.    Was University Heights also in

24    Euclid?

25            A.    No.  It's University Heights, Ohio.
```

Page 14

```
 1              Q.     Oh, that's the name of the city?
 2              A.     Yes.  It's a suburb of Cleveland.
 3              Q.     And who did you live there with
 4     again; you said your daughter?
 5              A.     My daughter, Tiffany Jones, and my
 6     granddaughter, Ashley Richardson.
 7              Q.     And how long did you live at the
 8     University Heights?
 9              A.     Two years.
10              Q.     And was that an apartment as well?
11              A.     It was a house.
12              Q.     Was that house being rented, or did
13     someone own it?
14              A.     It was rented.
15              Q.     Whose name was on the lease, do you
16     know?
17              A.     My daughter and mine.
18              Q.     And how many bedrooms did that
19     house have?
20              A.     Four bedrooms.
21              Q.     And so just doing the math, you
22     would have lived there from approximately April
23     of 2015 through April of 2017?
24              A.     Actually, I was there from
25     September of 2016 to April of 2018.  Yes,
```

                                                      Page 15

1   18 -- no, 17, I'm sorry.

2   Q.   So you were there September 2015

3   through April of 2017?

4   A.   Yes.

5   Q.   What was the monthly rent there, do

6   you recall?

7   A. $1,025.

8   Q.   And did you split that with your

9   daughter?

10   A.   Yes.

11   Q.   How old is your daughter?

12   A.   She is 38.

13   Q.   Why did you move from the

14 University Heights address to the Lake Street

15 address?

16   A.   She got engaged, and so I moved on

17 my own.

18   Q.   How far away is the Lake Street

19 address and the University Heights address?

20   A.   The Lake Shore, where I'm at?

21   Q.   Lake Shore. I'm sorry.

22   A.   I want to say around ten miles.

23   Q.   You mean to tell me your daughter

24 didn't want you living there with your her as

25 well?

                                          Page 16

```
 1          A.     Well, I kind of didn't want to.

 2          Q.     Fair either way.

 3                 And the last one I'll just ask you

 4    about, is what about prior to the University

 5    Heights location, where were you living then?

 6          A.     I lived in Bedford Heights.

 7          Q.     Is that also a suburb of Cleveland?

 8          A.     Yes.

 9          Q.     And how long did you live at the

10    Bedford Heights address?

11          A.     I lived there two years.

12          Q.     Was that an apartment?

13          A.     Yes.

14          Q.     Did you rent it?

15          A.     Yes.

16          Q.     Do you recall the monthly rent

17    there?

18          A.     That was -- I believe that was

19    around $600.

20          Q.     One bedroom?

21          A.     Yes.

22          Q.     Now, you mentioned you had

23    previously testified in a deposition in one

24    proceeding before, and then you have not

25    previously testified in court before, correct?
```

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```
 1              A.     Yes.
 2              Q.     So apart from that car accident
 3     case that you identified, do you know if you
 4     have ever served as a plaintiff or a defendant
 5     in any other lawsuit, apart from this one?
 6              A.     No, no lawsuit.
 7              Q.     Do you recall whether you were sued
 8     by the City of Cleveland in 1997?
 9              A.     City of Cleveland, I don't recall.
10     1997.
11              Q.     Okay.  How about being sued by FNCL
12     Credit Corporation in 2012, are you familiar
13     with that?
14              A.     I'm not.  Do you mean Cleveland
15     Heights maybe in 97?
16              Q.     City of Cleveland Heights.
17              A.     Cleveland Heights?
18              Q.     Yes.
19              A.     Was that -- I know that I had
20     bought a house, and I had to pay a fine for
21     some violations.  When you move in a house, you
22     have point-of-sale violations, if I can recall.
23              Q.     So that would have been the
24     Cleveland Heights lawsuit, if you recall?
25              A.     I think -- I'm thinking that's what
```

Page 18

```
 1     it is.  I can't really recall.
 2            Q.    And you don't have a recollection
 3     of the lawsuit filed by FNCL Credit
 4     Corporation?
 5            A.    No.
 6            Q.    How about Rivers Edge Investment, a
 7     lawsuit in 2003?
 8            A.    I remember that.
 9            Q.    Okay.  What was that?
10            A.    That was for a truck I had
11     financed.
12            Q.    And did you fall behind on
13     payments?
14            A.    Yes.
15            Q.    Was the truck repossessed, do you
16     know?
17            A.    Yes, it was.
18            Q.    Do you recall whether you paid any
19     other money to Rivers Edge Investment, apart
20     from the truck being repossessed?
21            A.    I'm sure I paid some moneys to
22     them.
23            Q.    You just don't recall the amount?
24            A.    No.
25            Q.    Do you recall a lawsuit filed by
```

Page 19

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 1    Household Realty Corporation?
 2         A.    No.
 3         Q.    How about a lawsuit filed by
 4    Skyline Management in 2005?
 5         A.    That was an apartment.
 6         Q.    Okay.  What do you recall about
 7    that lawsuit?
 8         A.    I became ill, and I wasn't working,
 9    and I fell behind on that.  It was dismissed.
10    That's all I recall.
11         Q.    So you say it was dismissed.  Are
12    you aware that the public docket shows a
13    judgment was entered against you?
14         A.    Well, you know, I know that I moved
15    away, so I'm aware of that though.
16         Q.    Was that -- it was by the
17    management company for an apartment that you
18    were living in?
19         A.    Yes.
20         Q.    So is it fair to say it was an
21    eviction action?
22         A.    Yes, for one payment, and then some
23    interest accrued.
24         Q.    And you moved out of the apartment
25    complex?
```

Page 20

1   A.   Yes.

2   Q.   Do you recall a lawsuit of the KD

3   Group versus Jones in 2010?

4   A.   I recall that.

5   Q.   And what was that lawsuit?

6   A.   I had fallen behind on that as

7   well. I had some health issues.

8   Q.   So it was another eviction action?

9   A.   Yes.

10   Q.   Do you know what the outcome of

11   that case was, do you recall?

12   A.   I think that one was dismissed.

13   Q.   So the public docket again shows

14   judgment being entered against you in that

15   case. When you say "dismissed," what do you

16   mean by that?

17   A.   Well, because I couldn't afford to

18   pay it. I had been off ill. I have some

19   health issues.

20   Q.   Okay. How about another lawsuit

21   filed by Security First Capital in 2011?

22   A.   I don't know about that one.

23   Q.   How about another lawsuit filed by

24   Capital One Bank in 2009?

25   A.   I don't know about that one either.

                                          Page 21

1   Q.   How about another lawsuit filed by

2   a company called Midland Funding in 2008?

3   A.   No.

4   Q.   How about a lawsuit filed by the

5   State of Ohio Department of Taxation in 2011?

6   A.   I don't recall that, but it's

7   possible.

8   Q.   Do you know of any other lawsuit

9   that's currently pending against you?

10   A.   No.

11   Q.   So we have identified, I believe,

12   at least two prior eviction proceedings that

13   you recall.

14   Any other eviction proceedings that

15   you can recall in your past?

16   A.   No.

17   Q.   Are you current on your rent at

18   your address presently?

19   A.   Yes.

20   Q.   Have you ever previously been

21   arrested?

22   A.   No.

23   Q.   And because you haven't been

24   arrested, I take it you have never had any

25   criminal charges filed against you?

                                          Page 22

```
 1              A.    No.

 2              Q.    How about bankruptcy filings, have

 3      you ever filed for bankruptcy?

 4              A.    No.

 5              Q.    When you described your housing

 6      history to me from at least 2015, I think -- or

 7      2014, that's about as far back as we went, it

 8      didn't appear to me that there were any gaps in

 9      housing.

10                    So is it fair to say that you

11      always had housing up until the point where you

12      moved into the next complex?

13              A.    Yes.

14              Q.    Switching gears, what did you do to

15      prepare for this deposition?  And I don't want

16      to know about any conversations that you had

17      with Ms. Brennan or any other of your

18      attorneys.

19                    I'm just trying to get a sense of

20      the process, in terms of when you might have

21      met to prepare or what you yourself might have

22      looked at in order to prepare for this

23      deposition?

24              A.    Well, I have some notes, also the

25      information that I received from
```

Page 23

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 1    RealPage -- well, from RealPage and from

 2    Marietta.

 3         Q.    Okay.  So you looked at some

 4    documents that you received from RealPage and

 5    from Marietta?

 6         A.    Yes.

 7         Q.    Any other documents that you recall

 8    looking at?

 9         A.    No.

10         Q.    And how about meeting with your

11    attorneys, did you meet with them in advance of

12    this deposition?

13         A.    Yes.

14         Q.    And who did you meet with?

15         A.    With attorney Lauren Brennan.

16         Q.    Okay.  And when did you meet with

17    her?

18         A.    Yesterday.

19         Q.    And how long, approximately, did

20    you meet for?

21         A.    I want to say maybe two hours and

22    15 minutes to three hours.

23         Q.    Who are your attorneys, apart from

24    Ms. Brennan?  Can you tell me any of their

25    names?
```

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 1           A.      Pertaining to this case?
 2           Q.      Yes, ma'am.
 3           A.      Francis & Mailman, John Soumilas.
 4    I think that's how you pronounce his name.
 5           Q.      Okay.  Anyone else besides John?
 6           A.      No.
 7           Q.      Have you ever heard of -- ever
 8    heard of an attorney named Jim Francis?
 9           A.      I imagine he's affiliated with
10    Francis & Mailman, but I haven't met him.
11           Q.      You haven't spoken with
12    Mr. Francis, to your knowledge?
13           A.      No.
14           Q.      How about an attorney named Michael
15    Caddell, have you ever heard of him?
16           A.      No.
17           Q.      How about an attorney named Amy
18    Tabar, have you ever heard of her?
19           A.      No.
20           Q.      How about Daniel Cohen?
21           A.      No.
22           Q.      Edward Kroub?
23           A.      No.
24           Q.      Matthew Dooley?
25           A.      No.
```

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1   Q.   Anthony Pecora?

2   A.   No.

3   Q.   So your only interactions with your

4   attorneys in this case have been with either

5   Mr. Brennan -- Ms. Brennan or Mr. Soumilas?

6   A.   Yes.

7   Q.   I have trouble with his last name

8   as well, so don't worry about it.

9   MR. ST. GEORGE: I think it's

10   Soumilas; is that right?

11   MS. BRENNAN: It is Soumilas.

12   Q.   Okay.

13   A.   Sorry.

14   Q.   No, that's not your fault.

15   MS. BRENNAN: He wouldn't be

16   offended.

17   Q.   Okay. Apart from the time when you

18   met with Ms. Brennan yesterday, so before your

19   deposition, when was the last time before that

20   that you can recall speaking with either

21   Ms. Brennan or Mr. Soumilas?

22   A.   Maybe in December.

23   Q.   Okay. And how long was that

24   conversation, do you recall? I say

25   conversation. Do you know if it was on the

Page 26

1   phone or if it was by email?

2   A.   Email and, let's see, I

3   think -- last March I may have spoken with

4   Mr. Soumilas, and I know I spoke with

5   Ms. Brennan sometime before December. I can't

6   recall exactly what month that was.

7   Q.   Okay. So conversation,

8   approximately last March, with Mr. Soumilas, a

9   conversation with Ms. Brennan sometime before

10   December, an email exchange --

11   A.   And in December.

12   Q.   And in December?

13   A.   Yeah. Via email.

14   Q.   And then deposition preparation

15   yesterday?

16   A.   Yes.

17   Q.   The conversation in December, you

18   mentioned that was an email; is that right?

19   A.   Yes.

20   Q.   How about the conversation before

21   December with Ms. Brennan, was that an email or

22   was that on the phone?

23   A.   That was on the phone.

24   Q.   How long did that conversation

25   last, approximately, do you know?

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 1              A.     Maybe around 15, 20 minutes.
 2              Q.     And then the conversation with Mr.
 3     Soumilas, approximately last March, was that an
 4     email or was that a telephone call?
 5              A.     Telephone call.
 6              Q.     And do you recall approximately how
 7     long that call lasted?
 8              A.     I'd say about 20 minutes.
 9              Q.     Any other conversations you can
10     think of, sitting here today?
11              A.     I may have spoken with
12     Mr. Soumilas, let's see, I may have spoken with
13     him maybe October of 2019.
14              Q.     Do you recall if that was a
15     telephone call or --
16              A.     That was a telephone call.
17              Q.     Do you have any sense of
18     approximately how long that call may have
19     lasted?
20              A.     About 20 minutes, 20 to 30 minutes.
21              Q.     Anything else you can think of,
22     besides those communications?
23              A.     No.
24                     Excuse me.  There is one thing.
25     The apartment -- the house that I moved in in
```

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 1     University Heights.

 2            Q.    Yes.

 3            A.    We moved in there in 2015.  I think

 4     I may have said 2016.

 5            Q.    You did say 2016.  Okay.  So that

 6     you moved in in 2015?

 7            A.    Yes.

 8            Q.    And you were there until April of

 9     2017?

10            A.    Yes.

11            Q.    So then when you were talking about

12     the Bedford Heights location, you had mentioned

13     that you were there for approximately two

14     years?

15            A.    Yes.  I moved in there --

16            Q.    That would have been 2013?

17            A.    Yes.

18            Q.    Thank you for that clarification.

19                  Did you graduate from high school?

20            A.    Yes.

21            Q.    And what year did you graduate?

22            A.    1980.

23            Q.    And what high school did you

24     attend?

25            A.    South High School.
```

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1   Q.   Where is that located?

2   A.   In Cleveland, Ohio.

3   Q.   After high school, did you attend

4   college or any other type of postsecondary

5   education?

6   A.   Not directly after.

7   Q.   Okay.

8   A.   But I did in 1987.

9   Q.   Let's take 1980 to 1987, what were

10   you generally doing during that timeframe?

11   A.   Well, I had my daughter in 1981,

12   and then, of course, I worked.

13   Q.   1987, where did you attend?

14   A.   Cuyahoga Community College.

15   Q.   And did you get any type of

16   associate degree or certificate from the

17   community college?

18   A.   No.

19   Q.   How long were you there?

20   A.   About a year.

21   Q.   What were you studying?

22   A.   I studied English, math, music. I

23   think that's general studies.

24   Q.   So a variety of courses?

25   A.   Yes.

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1   Q.   Apart from that one year in

2   community college, any other type of

3   educational certificates, attendance?

4   A.   Well, I became an insurance agent

5   in 19- -- well, I worked for an agent, but you

6   had to get licensed, of course. So I worked

7   within the insurance industry for probably

8   around 20 years after that.

9   Q.   You got licensed as an insurance

10   broker?

11   A.   Yes, insurance agent.

12   Q.   Insurance agent?

13   A.   Uh-huh.

14   Q.   And when did you get licensed, do

15   you recall?

16   A.   I obtained my property and casualty

17   license, I want to say, in the early 90s, and

18   then my life and health in 2000.

19   Q.   And who were you working for, any

20   particular agency?

21   A.   I worked for State Farm Insurance.

22   Q.   And you mentioned 20 years. Were

23   you employed with State Farm that whole time?

24   A.   No. I have also worked for

25   Allstate Insurance.

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```
 1          Q.    Give me a breakdown, just
 2    generally, as to time periods for the two
 3    companies?
 4          A.    Well, I worked for -- after
 5    Allstate, I ended up having my own agency at
 6    Farmers Insurance as well, but starting out in
 7    1987 as a sales secretary for State Farm
 8    Insurance.
 9          Q.    And when did you move to Allstate?
10          A.    I moved to Allstate in, let's see,
11    I want to say 1995.
12          Q.    Okay.  And how long were you with
13    Allstate?
14          A.    Maybe four years, and I left
15    Allstate for a while, and then I went back to
16    Allstate.
17          Q.    What did you do during that gap
18    period when you left Allstate?
19          A.    I know I stayed within the
20    insurance industry.  I'm trying to think which
21    company I was with.  In 92, I worked back with
22    State Farm, but my employer passed away.
23          Q.    So you were still in the insurance
24    industry after you left Allstate in
25    approximately 1999?
```

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1   A.   Yes.   99 is when I obtained my own

2   agency with Farmers Insurance.

3   Q.   And how long did you have your own

4   agency?

5   A.   For three years.

6   Q.   And did you return to Allstate

7   after that?

8   A.   I did.

9   Q.   So returning to Allstate

10   approximately 2002?

11   A.   Yes.   And I'm trying to think.   It

12   was so long ago.   I believe so though, because

13   I was there in 2004 as well.

14   Q.   Okay.   And how about from 2002

15   onward, just give me a general sense of your

16   employment?

17   A.   Well, like I said, I was in the

18   insurance industry for a long time.

19   Q.   So what were you doing after 2002?

20   A.   Working for Allstate Insurance.

21   Q.   Okay.   And how long did that last?

22   A.   I want to say until around 2005 or

23   6.

24   Q.   What did you do then?

25   A.   After that I had some health

                                        Page 33

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 1    issues.  I don't know if with the HIPAA law, if
 2    I should disclose that.
 3         Q.    I don't need to know about your
 4    health issues.  But you had some health issues
 5    in 2005 and 2006.  Did you stop working at that
 6    time?
 7         A.    Yes.
 8         Q.    And has that been the case to the
 9    present date, you have not worked since 2006?
10         A.    Well, no.  I went back to work for
11    a while, and then I -- something else happened,
12    and I ended up in the hospital again, and
13    that's been kind of ongoing.
14         Q.    Okay.  So you have worked on and
15    off since 2006?
16         A.    Yes.
17         Q.    Has that been in the insurance
18    city?
19         A.    Yes.
20         Q.    And how many years -- let's take
21    2006 to the present.  So that's 14 years.
22               Of that 14-year period, how much
23    time have you spent working versus time off?
24         A.    Up until what date?
25         Q.    Until the present.
```

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1   A.   I know I did some mortgage work

2   before. I'm just trying to --

3   Q.   Take your time.

4   A.   -- think back.

5   I spent some time in Nevada with my

6   daughter, she had baby, and she ended up having

7   a cardiac arrest, so I spent some time trying

8   to help her, you know, just staying there with

9   her and the children.

10   Then I came home, because something

11   happened with my health again. Let's see. So

12   I can't -- it's been off and on, but I spent a

13   lot of time in the hospital.

14   Q.   Okay. How about presently, are you

15   employed?

16   A.   No.

17   Q.   When was the last time that you

18   worked?

19   A.   Let's see. I had -- did some

20   catering in 2018, and then my daughter was

21   killed in an accident, so I -- so I kind

22   of -- I just -- so after she had her accident,

23   I just -- I just was kind of out of it, sort

24   of.

25   Q.   Sure. I'm sorry to hear that.

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1   So 2018 you had that personal

2   tragedy and stopped working generally after

3   that?

4   MS. BRENNAN: Do you need a break

5   for a minute?

6   Q.   Let me just focus on 2017 for a

7   minute, because I know that that is the year

8   that you applied to the complex at Marietta

9   Road in Georgia. So let me just take 2017,

10   that year.

11   Were you working during that year;

12   do you know?

13   A.   No.

14   Q.   In 2016, so the year immediately

15   before, do you know if you were working in

16   2016?

17   A.   No.

18   Q.   When you say no, you mean you were

19   not working?

20   A.   No, I wasn't working.

21   Q.   Are you on any form of disability?

22   A.   Yes.

23   Q.   Is it Social Security?

24   A.   Yes.

25   Q.   Is that your sole source of income?

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1   A.   Yes.

2   Q.   So that would have been your sole

3   source of income in 2016 and 2017?

4   A.   Yes.

5   Q.   What are your monthly benefits; how

6   much do you receive?

7   A.   It's 970.

8   Q.   Do you have any plans to return to

9   work, or do you know if that won't be possible?

10   A.   Well, I want to.   Some of my tests

11   were okay, so I want to return to work.

12   Q.   You mentioned you get $970 a month

13   in benefits?

14   A.   Uh-huh.

15   Q.   And you testified your present rent

16   is $575 a month, correct?

17   A.   Correct.

18   Q.   Is that your largest monthly

19   expense?

20   A.   Yes.

21   Q.   Have you been married?

22   A.   No.

23   Q.   And you mentioned one daughter who

24   passed away?

25   A.   A granddaughter.

                                        Page 37

```
 1            Q.    Your granddaughter passed away.
 2    I'm sorry.
 3                  And then you mentioned a daughter?
 4            A.    Yes.
 5            Q.    Do you have any other children?
 6            A.    No.
 7            Q.    Okay.  Let's switch gears a little
 8    bit, move into this case itself.
 9                  In your own words, can you tell me
10    what your understanding of this lawsuit is?
11            A.    Yes.  I understand that I had
12    applied for an apartment in Atlanta at
13    Marietta, and they do a background check, and
14    they -- I was told it was LeasingDesk, they did
15    the background check, and they came back and
16    said that I had a criminal record and that I
17    had been involved with some drug activity, but
18    I hadn't, and because of that, I was denied the
19    apartment in Atlanta, because they have a
20    criteria.
21                  I think they have about eight
22    criteria, and that's the one that they checked
23    off, that I had been involved -- I had been
24    incarcerated and involved with drugs.
25            Q.    And so your understanding, it
```

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 1    relates to a background check for an apartment

 2    in Marietta, Georgia?

 3          A.    Yes.

 4          Q.    And that was in 2017; is that

 5    right?

 6          A.    Yes.

 7          Q.    So that would have been while you

 8    were living at the Lake Street address?

 9          A.    Lake Shore.

10          Q.    Lake Shore, I'm sorry.  I keep

11    saying that wrong.  The Lake Shore address?

12          A.    Yes.

13          Q.    And you're represented in this

14    case, you mentioned, by two attorneys that you

15    are aware of, you have John Soumilas and Lauren

16    Brennan?

17          A.    Yes.

18          Q.    And you mentioned they are with the

19    firm of Francis & Mailman.

20                How did you come to find them and

21    retain them as an attorney?

22          A.    Well, after I lost my

23    granddaughter, I just wasn't focussing on

24    anything.  I just wasn't -- you know, and then

25    once I started to feel better, I hadn't heard
```

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1   back from Marietta one way or the other, and so

2   I went online to follow up with the FTC,

3   because I had filed a claim with them, and I

4   saw Francis & Mailman online, so I contacted

5   them to see if they could help me.

6   Q.   So just you were doing internet

7   research about a claim that you had filed with

8   the FTC, and you came across the website for

9   Francis & Mailman?

10   A.   Yes.

11   Q.   What was that claim that you had

12   filed with the FTC; when did you file it?

13   A.   In August of 2017.

14   Q.   What did you say and how did you

15   submit it?

16   A.   Well, I had submitted it, the fact

17   that I was denied an apartment because I was

18   accused of having a criminal activity and being

19   incarcerated, and that I was denied an

20   apartment because of that.

21   Q.   Okay. And did you submit that

22   online?

23   A.   I did.

24   Q.   Did you ever hear back from the

25   FTC?

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 1   A.   Well, I had received an email just

 2   acknowledging confirmation that I had filed a

 3   claim, but I hadn't received any other

 4   correspondence thereafter.

 5   Q.   Is that true to this day, you never

 6   received anything back?

 7   A.   That's true.

 8   Q.   Did you ever follow back up with

 9   the FTC?

10   A.   No.

11   Q.   Have you heard of the phrase "class

12   action lawsuit" before?

13   A.   Yes.

14   Q.   And what is your understanding of

15   that phrase, when I say "class action"?

16   A.   Well, it's, I would say, it's some

17   type of suit where people have been harmed and

18   they need representation.

19   Q.   And when you say "people," who do

20   you mean?

21   A.   Well, more than one person.

22   Q.   When did you first hear the phrase

23   class action or become aware of that concept?

24   A.   Probably over, I don't know, a span

25   of ten or 15 years.

                                              Page 41

```
 1              Q.    Okay.  So prior to this case?

 2              A.    Yes.

 3              Q.    Do you know if this lawsuit is a

 4    class action or if it's not a class action?

 5              A.    Well, I think that it is.

 6              Q.    And do you have an understanding of

 7    who was included in the class?

 8              A.    I don't know anyone personally.  I

 9    just know that it's other people that have been

10    denied an apartment because of a false

11    background check.

12              Q.    You don't know, personally know any

13    of the proposed class members?

14              A.    I don't.

15              Q.    If I say the name James Arnold, do

16    you know who that is?

17              A.    Yes, that gentleman was there at

18    the last meeting where you were there downtown.

19              Q.    At the courthouse, the status

20    conference we attended?

21              A.    Yes.

22              Q.    Was that the first time you met

23    Mr. Arnold?

24              A.    It was.

25              Q.    Was that the only time you had
```

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```
 1    spoken with Mr. Arnold?

 2          A.    Yes.

 3          Q.    Do you know where this case is

 4    pending, what court?

 5          A.    I understand it is in Texas.

 6          Q.    Do you know the name of the judge

 7    that's overseeing the case?

 8          A.    It may be Judge Boyle, if I can

 9    remember.

10          Q.    And we previously attended a status

11    conference in Ohio, correct?

12          A.    Yes.

13          Q.    And do you know approximately when

14    this court case got moved to Texas?

15          A.    I believe it was September of

16    2018 -- no, I'm sorry -- yeah, 2018 -- 2019, I

17    think.

18          Q.    Do you have any idea why it got

19    moved?

20          A.    I believe because of the

21    jurisdiction.

22          Q.    What do you mean by that, if you

23    know?

24          A.    From my understanding, it's because

25    the company, RealPage, is in Texas.
```

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1   Q.   Prior to your interactions with

2   RealPage in 2017 in connection with the

3   Marietta Road apartment, or the Marietta

4   apartment, I should say, had you ever heard of

5   RealPage before that?

6   A.   No.

7   Q.   So you understand that this case is

8   a class action; is that right?

9   A.   Yes.

10   Q.   And who decided to make this case a

11   class action?

12   MS. BRENNAN: Objection. Go ahead,

13   you can answer, if you can without revealing

14   attorney-client communication.

15   A.   Well, once I -- when I went online

16   to find -- look for the FTC, to talk to them

17   about it, I saw that there were other people

18   that had been harmed, that they were

19   complaining that they were not -- they were

20   turned down for an apartment because of some of

21   the same reasons that I was, and I just

22   thought, you know, that it just wasn't right,

23   and if I could work towards some type of

24   resolution for not just myself, but for the

25   other people that were harmed, and that's why I

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1   decided to just try and do that.

2   Q.   You mentioned that you heard the

3   phrase "LeasingDesk" before?

4   A.   That's what I was told. That's

5   when I contacted Marietta, once I received a

6   letter that they were denying me, they said

7   LeasingDesk.

8   So once I went online to try and

9   find information where I could contact

10   LeasingDesk, then the name RealPage came up.

11   Q.   And that would have been the first

12   time you heard of RealPage?

13   A.   Yes.

14   Q.   Do you have an understanding of

15   what LeasingDesk does or what RealPage does as

16   a business?

17   A.   Yes.

18   Q.   What's your understanding?

19   A.   My understanding is that they

20   verify information, they do background checks

21   for various management companies to -- it's a

22   screening, to say if you are worthy of

23   obtaining an apartment.

24   Q.   And that background check that you

25   described, you mentioned a criminal record that

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 1   was reported for you. So it's your

 2   understanding then that the background checks

 3   have a criminal history report, essentially?

 4   A.   Yes.

 5   Q.   And are you also familiar with the

 6   background checks having what I'll call sort of

 7   a credit component?

 8   A.   Yes.

 9   Q.   There is a credit score and there

10   is a list of delinquencies or credit accounts;

11   is that fair?

12   A.   I'm sorry?

13   Q.   Is that fair, is that consistent

14   with your understanding?

15   A.   Yes.

16   Q.   The apartments that you have

17   described, the Lake Shore --

18   A.   Yes.

19   Q.   -- finally got that right. The

20   Lake Shore apartment, and then there is the

21   Euclid apartment that you are currently living

22   in. Do you recall whether you had to undergo a

23   background process to get those apartments?

24   A.   I did.

25   Q.   You did?

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1   A.   Yes.

2   Q.   Okay. And you agreed to that as

3   part of the application process?

4   A.   Yes.

5   Q.   And did you have any issues with

6   any of those background checks?

7   A.   No. I was accepted at all of

8   those.

9   Q.   Did you ever see any copies of any

10   background checks, or were you just informed

11   that you were accepted?

12   A.   I was just informed.

13   Q.   And remind me again, you moved into

14   the Euclid apartment in April of 2018; is that

15   right?

16   A.   The one I'm in now?

17   Q.   Yes.

18   A.   Yes.

19   Q.   And that -- so that was after you

20   had applied to Marietta?

21   A.   Yes.

22   Q.   So we talked about the places where

23   you lived -- or where you lived over the last

24   five or so years. Did you apply for any other

25   apartment during that period where you were

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 1    turned down?
 2         A.    I can't remember.  You mean like
 3    before, way before I moved?
 4         Q.    No.  Let's just stay within the,
 5    sort of, five-year period.
 6               I guess what I'm asking is do you
 7    recall any situations where you applied for
 8    tenancy at an apartment but you were told that
 9    you weren't able to rent the apartment?
10         A.    I can't --
11         Q.    Putting aside Marietta?
12         A.    I can't remember, because all of
13    these I was accepted.
14         Q.    So you are not aware of anywhere
15    else where you have been rejected?
16         A.    No.
17         Q.    Apart from Marietta?
18         A.    Right.
19         Q.    Have you ever heard of the Fair
20    Credit Reporting Act?
21         A.    Yes.
22         Q.    When did you first hear of that?
23         A.    I heard of that several years ago.
24         Q.    Do you recall how you first came to
25    hear of it?
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1   A.   It's just one of those things that

2   you -- I mean, when you apply for anything or

3   buy anything, there is always some type of

4   disclosures with regard to your rights.

5   Q.   Do you have an understanding of

6   what the Fair Credit Reporting Act does or what

7   it requires?

8   A.   Yes.

9   Q.   And what is your understanding?

10   A.   My understanding is that, you know,

11   if someone abuses your credit or puts out

12   information about you or things like that, that

13   you have some protection through them.

14   Q.   In this lawsuit, do you know what

15   laws you are claiming that RealPage violated or

16   the claims that you are asserting against

17   RealPage?

18   A.   Yes.

19   Q.   And what are those, in your

20   opinion?

21   A.   Well, again, with my applying for

22   an apartment and then being turned down because

23   of a false report about me, it prevented me

24   from being able to obtain an apartment. It

25   wasn't true.

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1   Q.   Right.   So I guess what I'm asking

2   is, the actual claims that you are asserting

3   against RealPage or the laws that you say that

4   RealPage has violated, what are those; do you

5   know?

6   A.   Well, I'm thinking that when they

7   did their background check, they didn't verify

8   information about me.   All the information was

9   about someone else, but it was still used

10   against me, and it prevented me from renting an

11   apartment.

12   Q.   Right.   I understand that.

13   I guess what I'm asking is

14   something just more technical, which is do you

15   know what laws you are claiming that RealPage

16   violated?

17   A.   Well, my assumption is, is that

18   they didn't thoroughly do a background check.

19   They didn't ensure that the information about

20   me was true.   They used information that, to my

21   understanding, when I spoke with RealPage, that

22   they said that my birthday was a match to this

23   other young lady.

24   They said that their computer or

25   the software picked up this information.   The

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1   information that they obtained wasn't in the

2   State of Ohio at all. It was everything was

3   for Atlanta.

4   Q.   Right. So let me just stop you

5   there, I guess.

6   So do you know whether or not you

7   are claiming RealPage had violated a specific

8   law?

9   A.   Yes, they had.

10   Q.   Okay. And what is the name of that

11   law, do you know?

12   A.   Well, it's just -- I don't know

13   exactly what the name of the law would be, but

14   I know that it is pertaining to putting out

15   information that wasn't mine.

16   Q.   So coming back to this case being a

17   class action, have you ever heard the phrase

18   "class representative" before; have you heard

19   that phrase?

20   A.   Yes.

21   Q.   And what is your understanding of

22   that phrase?

23   A.   A class representative would be

24   someone who would gather information and assist

25   in helping other people that has, in turn, been

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 1    violated the same way that I have been.
 2         Q.    And do you know, are you a class
 3    representative in this case?
 4         A.    I am.
 5         Q.    You say violated in the same way
 6    that you have, correct?
 7         A.    Yes.
 8         Q.    Okay.  So what is your
 9    understanding, just tell me your understanding
10    of who was included in the class or classes in
11    this case; who are you representing?
12         A.    Well, again, I don't know anyone
13    personally.
14         Q.    Right.
15         A.    But I'm representing people that
16    have been denied apartments because of false
17    information.
18         Q.    So it would have to have been
19    someone who had false information and someone
20    who was denied an apartment?
21         A.    Yes.  Their background check was
22    inaccurate.
23         Q.    Inaccurate in what way?
24         A.    Well, just like myself, I have
25    never sold any drugs, I'm allergic to opioids,
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1   I have never been incarcerated, and my name is

2   Diane Jones, the summary that I received from

3   RealPage that said that the young lady's name

4   was Toni Taylor. It said her name was seven

5   different people.

6   And I just feel that they didn't --

7   they didn't investigate enough to see who I

8   was. Everything was built around Toni Taylor.

9   They said she had some aliases, and I

10   just -- that just -- it was just kind of

11   offensive, and it just didn't feel right that I

12   would be accused of criminal activity when I

13   had not been.

14   Q.   Okay. You used the term "alias."

15   What do you understand that to mean?

16   A.   It means that her name -- well, not

17   her in specific, but when someone, their name

18   is one thing, but they are actually assuming

19   another name. They are saying that they are

20   different people other than the person that

21   they are.

22   Q.   Right. So in this case, it would

23   have been a criminal offender who was using

24   other names, apart from their her legal name?

25   A.   Yes.

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1   Q.   Do you know if you are representing

2   one class or if you are representing two

3   classes or three classes; do you have any

4   understanding of how many classes you are

5   representing in this case?

6   A.   I don't know exactly how many

7   people, but I know that there is several

8   people.

9   Q.   All right. Do you know how someone

10   comes to be a class member in this case?

11   That's not really a clear question. Let me

12   rephrase.

13   I guess what I'm asking is, if we

14   are looking out of the universe of people that

15   have been screened by LeasingDesk, do you know

16   how one of those people comes to be someone who

17   you are representing in this case? Do you know

18   what criteria they would have to satisfy?

19   A.   I know that there would have to be

20   over 40 people.

21   Q.   Okay. So putting aside just

22   numbers, what I'm asking is, of all the people

23   who have been screened by LeasingDesk, what

24   would make them a class member in this case,

25   what would, sort of, bring a person into this

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1 lawsuit, your understanding of that?

2   A.   Well, that I understand that they

3 would have had to have been harmed by a company

4 or someone, and I understand that since it's

5 not just one individual, the same thing has

6 happened to a lot of people over and over.

7   Q.   When you say, "They would have to

8 be harmed," what do you mean by that?

9   A.   Well, again, just like myself, I

10 have never been a criminal, but false reports

11 put out that they had done something

12 that -- because the screening is about criminal

13 activity. That's one of the criteria with

14 particular management companies.

15   So when a background check comes

16 back and says that they have committed a crime,

17 that automatically makes you ineligible.

18   Q.   So when you say has to be harmed

19 and made them ineligible for the apartment

20 complex?

21   A.   Yes. Fortunately, I was able to

22 just go rent another apartment. Some people

23 may not have had that -- been able to do that.

24 Some people actually may have been homeless or

25 had a lapse in between being able to have a

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 1    roof over their heads.
 2          Q.    So you have mentioned that your
 3    understanding of your claim is that RealPage
 4    reported information about you relating to a
 5    criminal offender in Georgia, and that was not
 6    you, correct?
 7          A.    Correct.
 8          Q.    And you said you didn't feel
 9    that -- I believe I'm using your words, correct
10    me if I'm wrong -- they didn't adequately
11    investigate that it was you; is that right?
12          A.    Yes.
13          Q.    What do you think RealPage should
14    have done in this case?
15                MS. BRENNAN:  Objection to the
16    form.  Go ahead and answer, if you can.
17          A.    Well, I think that they should
18    have -- I had given my Social Security Number,
19    date of birth and driver's license number, and
20    I think they should have gone on my
21    information, because with my driver's license
22    number and everything, it's just so easy to do
23    a background check, and nowadays you can go
24    right online to a court docket and it will give
25    you information about someone.
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1   I think that instead of just

2   going -- I don't know. I know one

3   representative told me that they went by my

4   birth date, but my birth date is not the same

5   as this young lady's, and I just think they

6   should -- and then even once they obtained some

7   negative information, then maybe they should,

8   you know, try and contact the applicant and

9   say, "Well, you know, is this you, did you do

10   this, we pulled up this information," before

11   they just go and sell the information to their

12   client.

13   And that would, you know, kind of

14   give an applicant the chance to, you know,

15   clear up things prior to just getting the

16   information, before it's totally verified where

17   you would just be turned down.

18   Q.   Okay. So just breaking down your

19   response a little bit, you say that one of your

20   contentions is that RealPage should have used

21   your SSN, your date of birth, and your driver's

22   license number to check that against the

23   criminal record?

24   A.   Yes.

25   Q.   And then you also say that RealPage

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 1     should have contacted you in advance of sending

 2     along this record to the Marietta complex; is

 3     that right?

 4          A.    Yes.

 5          Q.    Anything else that you can think

 6     of?

 7          A.    I think that they shouldn't just go

 8     solely on a date of birth.

 9          Q.    What should they go by then?  If

10     not just date of birth, what else?

11          A.    Well, again, your driver's license

12     number and your Social Security Number.

13               MS. BRENNAN:  We have been going

14     about an hour.  Is this is a good time to take

15     a break?

16               MR. ST. GEORGE:  Maybe five more

17     minutes; is that okay?

18               MS. BRENNAN:  That's okay.

19               MR. ST. GEORGE:  Five more minutes,

20     and we will take a break.

21          Q.    Have you seen any of the criminal

22     records for -- let me back up.  You mentioned

23     it was a Toni Taylor was the offender of this

24     drug offense; is that what you have seen?

25          A.    Yes.
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1   Q.   And where did you see that, was

2   that on the information you received from

3   RealPage?

4   A.   Yes. They sent a summary. I asked

5   them, you know, why did they send a report that

6   said I was a criminal, and they told me that

7   there were some things on a background check,

8   and I asked them if they could send me a copy

9   so I could see exactly what I was being accused

10   of, and I received an email summary, and it

11   just showed all the things that this young lady

12   had done and the aliases that she had used.

13   Q.   Okay. So you saw the Toni Taylor

14   based on some documents you were sent from

15   RealPage, correct?

16   A.   Yes.

17   Q.   Have you ever seen any of the

18   underlying court documents for the charge that

19   was filed against Toni Taylor?

20   A.   I haven't seen any court documents,

21   just the summary. Now, the summary did show

22   that she had been incarcerated, and it also

23   listed a case number.

24   Q.   You didn't take that case number

25   and try and go pull any of the documents or

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 1    anything like that?

 2         A.    I didn't pull anything, but I did

 3    contact the Atlanta Police Department and the

 4    Cleveland Police Department, because that's

 5    what I was told to do.

 6              When I contacted Marietta and

 7    complained that it wasn't me, they said, "Well,

 8    you are going to have to, you know, straighten

 9    it out, because we can't rent you an apartment

10    with this type of file."  So immediately I

11    started just trying to clear my name.

12         Q.    So let's take the Atlanta Police

13    Department.  You say you contacted them?

14         A.    I did.

15         Q.    Did you call them or did you write

16    to them?

17         A.    I called them.

18         Q.    Okay.  And what did you talk about;

19    what was that conversation?

20         A.    I called them, and I told them that

21    I had rented -- tried to rent an apartment, and

22    that was I denied because of a background

23    check, and that I hadn't committed any crimes,

24    and I gave them the case number, and they

25    pulled it up, and they didn't share
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 1      information, but they said, "We can tell you

 2      that we don't have anything for Diane Denise

 3      Jones."

 4           Q.    Did you get anything from them in

 5      writing?

 6           A.    No.

 7           Q.    What did you do with that

 8      information; did you call Marietta back?

 9           A.    I did, and I also called Cleveland

10      Police Department and asked them if they saw

11      anything like this.  They didn't see anything.

12           Q.    Okay.  So did you call Marietta

13      back after you had talked to both the Atlanta

14      Police Department and the Cleveland Police

15      Department?

16           A.    I called them, yes.

17           Q.    Okay.  And what did you say?

18           A.    Well, I told them that I had made

19      those calls, but they still needed something in

20      writing, and then I went right back to RealPage

21      to try to get something cleared up with them.

22           Q.    So you never got anything in

23      writing from the Cleveland Police Department or

24      the Atlanta Police Department?

25           A.    No.
```

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1   Q.   And Marietta said they would need

2   something in writing from those departments,

3   from the police departments?

4   A.   They said -- they didn't say

5   specifically. They just said we need something

6   in writing showing that you didn't do this. So

7   at that point I went back to the initial

8   source, where they had gotten the bad reports.

9   Q.   And that's RealPage?

10   A.   Yes.

11   Q.   Okay. We will talk about that in a

12   little more detail later on, but let's go ahead

13   and just take a five-minute break.

14   THE VIDEOGRAPHER: Off the record

15   at 11:07.

16   (Recess taken.)

17   THE VIDEOGRAPHER: On the record.

18   11:21.

19   MR. ST. GEORGE: Back on the

20   record.

21   Q.   Ms. Jones, I'll just remind you

22   that you remain under oath.

23   A.   Yes.

24   Q.   So I want to ask you about your

25   understanding of what you are seeking to have

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1   happen in connection with this case, and by

2   that I mean, what damages you are claiming,

3   what outcomes you want as a result of this

4   litigation.

5   So what is your understanding of

6   what you are seeking from RealPage in this

7   case?

8   A.   One of the main things is that they

9   maybe make some adjustments to their software

10   so that every year people just aren't turned

11   down for those reasons, and because when you

12   know that you haven't done anything, and you

13   read a report, and it says that you are a

14   criminal and you have done all these heinous

15   things, not only is it offensive, but it's, I

16   don't know, it's -- it's just startling. It's

17   like, oh, my God. It's upsetting.

18   Q.   Okay. The changes to their

19   software, do you have anything specific?

20   A.   Well, I don't know exactly how they

21   do it, but maybe if they could use more of a

22   criteria than just the birth date. There is a

23   lot of people that have the same birthday, but

24   in my case, we didn't have the same birthday.

25   So I just think they should do a

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 1    better job of screening somehow.  I don't know

 2    what they could do with their computers or

 3    exactly how they go about screening.  Just

 4    maybe they -- I thought, because here in Ohio,

 5    they do use your Social Security Number, and I

 6    don't know if they do that now, but I think

 7    even the driver's license number, that picks up

 8    a lot of information about you.

 9         Q.    How would they use an Ohio driver's

10    license number on the screening for criminal

11    records in Georgia, for instance?  How would

12    that work?

13         A.    Well, because when you apply -- I

14    mean, I've never lived Georgia, so people who

15    haven't been there, how do you verify a person

16    in Georgia and they have never lived there.

17              So when you look at, you know, my

18    history, it just shows you down the line each

19    year where I lived, and year that you have been

20    there, where you have worked, the years that

21    you have worked at a certain city or state.  So

22    maybe if they could just be a little

23    more -- just a little more accurate.  A Social

24    Security Number and a driver's license number

25    have a lot of information.
```

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1   Q.   Would you agree with me that people

2   can commit crimes in states where they don't

3   live?

4   A.   I agree with you.

5   Q.   So we can't just use residence

6   history as a basis for excluding a record,

7   right?

8   A.   That's correct.

9   Q.   So you mentioned changes to the

10   software. Anything else that you are seeking

11   to get out of this case from RealPage?

12   A.   Well, I just want the judge to be

13   fair.

14   Q.   What do you mean by that?

15   A.   Well, in my case, and I'm assuming

16   other people, this apartment that I had applied

17   for was subsidized. So when things turned

18   down, I ended up paying more for rent than I

19   probably would have had I been accepted at that

20   particular apartment.

21   Q.   So one of the things that you are

22   seeking from RealPage in this case then is

23   perhaps the difference in the rent that you

24   have had to pay versus the subsidized

25   apartment?

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1   A.   Well, not just me. I'm not a

2   selfish person. I mean, I'm here to represent

3   other people. So just across the board.

4   Q.   Is that something you feel like the

5   people who you are representing, is that

6   something that they should be getting from

7   RealPage in this case, is that different?

8   A.   I think so.

9   Q.   Being called an offender, you

10   mentioned it was startling to you. Are you

11   claiming that it caused you stress or that you

12   suffered emotional distress?

13   A.   It did. When I opened that letter

14   and they said I was turned down because of a

15   criminal offense, it's like I lost my breath,

16   because, you know, nobody is perfect, but I

17   have lived out my life to stay out of trouble,

18   and then once I got that summary, that kind of

19   hit home, because here in Ohio, the opioid

20   epidemic is terrible, people are dying, women

21   are just passing out with their babies in the

22   car.

23   I have a sister that was in a

24   terrible accident, and she -- her doctor just

25   kept prescribing opioids, kept prescribing

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 1    them.  And now she is in a nursing home.
 2              So it was just -- it was hurtful,
 3    it was offensive, and it was breathtaking.
 4         Q.    Is that something you feel like
 5    RealPage should pay you compensation for, those
 6    damages?
 7         A.    Well, it's not their fault about my
 8    sister.
 9         Q.    Oh, I understand.  I'm putting
10    aside your sister and everything.
11              I'm just talking about your
12    experience and the distress that you described,
13    is that something that you feel RealPage should
14    compensate you for?
15         A.    Yes.
16         Q.    How about the other people that you
17    are representing?
18         A.    Of course.  I wouldn't want to
19    accept anything without these people.  It's
20    like, how fair am I being?
21         Q.    Any other -- any other money that
22    you think that you are owed from RealPage or
23    the reasons why, any other types of relief that
24    you think you are entitled to?
25         A.    Well --
```

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1   Q.   You mentioned the distress and you

2   mentioned the rent. I'm just trying to figure

3   out, is there anything else that you feel you

4   are owed compensation for in this case?

5   A.   At this point, I guess I'll just

6   have to leave that up to the judge.

7   Q.   What if you -- despite this

8   criminal record, the Toni Taylor, what if you

9   had been accepted at the apartment, the

10   Marietta Road apartment, in that situation,

11   would you claim that you had been harmed at all

12   by RealPage's reporting?

13   A.   Yes.

14   Q.   Okay. How?

15   A.   Because I have no criminal record.

16   Q.   Okay.

17   A.   I have never been in jail, and to

18   be accused of, you know, criminal activity,

19   drugs, being locked up, it's just -- I just

20   can't describe how it feels to be accused of

21   some things that you know that you didn't do,

22   that you have lived out your -- I'm 58 years

23   old now, but I guess I was around 55 or

24   whatever when that came out, and I've

25   kind -- I'm kind of proud of myself.

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1   You know, a lot of people do bad

2   things, for whatever reason, but I haven't done

3   anything.

4   Q.   So it is particularly distressing

5   to you, am I describing this correctly, it is

6   particularly distressing to you because you

7   didn't have any criminal background at all?

8   A.   That was just as distressing as

9   being turned down.

10   Q.   So there are two components of your

11   distress: One is being called an offender?

12   A.   Yes.

13   Q.   The other was being turned down?

14   A.   Yes.

15   Q.   In your mind, they are both equally

16   distressing?

17   A.   Yes. I lost several family members

18   prior to my granddaughter, and I just chose

19   Atlanta. I just wanted to get away from here.

20   There was just so many bad memories here in

21   town. I mean, good memories with my family,

22   but losing them, and I just wanted to try and

23   get a fresh start and just right away, you

24   know, I wasn't able to move in the apartment

25   and be accepted because of that.

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1   Q.   All right. Let's start talking a

2   little bit about the application that you

3   submitted to Marietta. We will call it the

4   Marietta complex, but it was the apartment

5   complex that you were seeking to rent on

6   Marietta Road in Georgia, correct?

7   A.   Yes.

8   Q.   So you were starting to describe,

9   kind of, the reasons for wanting to move. So

10   give me an explanation, because at that point

11   in time, you were in the Lake Shore complex; is

12   that right?

13   A.   Yes.

14   Q.   So why did you want to move and how

15   did you pick Georgia?

16   A.   Well, I had applied prior to my

17   moving to the Lake Shore apartment.

18   Q.   Okay.

19   A.   But --

20   Q.   You applied to the Marietta

21   complex?

22   A.   Yes.

23   Q.   When did you first apply?

24   A.   While I was over in University

25   Heights.

                                          Page 70

```
 1          Q.     I mean, do you know the particular
 2    month?
 3          A.     I can't remember.  I know it was
 4    warm, kind of, but I had lost my mom, my
 5    auntie, my brother, my sister, some just real
 6    close people, and I just felt like I needed to
 7    get away from Cleveland.  I love Cleveland, but
 8    there was just so many memories.
 9                 So while doing that, I was online
10    looking for apartments, and then I found
11    Marietta, and then it said that they had a
12    subsidized apartment, so I thought that would
13    be a little easier for me, starting out with
14    the lower rent.  But it didn't work out that
15    way.
16          Q.     Okay.  So you were interested in
17    moving out for personal reasons, going to
18    Georgia.  How did you pick Georgia?
19          A.     It's warmer, not really snowing.
20          Q.     Yeah.  I guess, let me step back.
21    I don't mean to interrupt.
22                 Were you focussed on Georgia, or
23    you were just doing an internet search and came
24    across the Marietta complex in Georgia, which
25    came first?
```

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1   A.   I was focused on Georgia.

2   Q.   Okay. You were focused on Georgia.

3   The climate, any other reasons? I didn't mean

4   to cut you off.

5   A.   The climate, just getting away. I

6   was born in Alabama, so I am southern girl,

7   sort of.

8   Q.   And how about the Marietta -- was

9   the Marietta complex, was that actually in

10   Atlanta, or was that in Marietta, Georgia?

11   A.   It's in Atlanta, Georgia.

12   Q.   So were you focused on Atlanta,

13   were you looking at various cities in Georgia?

14   A.   Focused on Atlanta.

15   Q.   So that led you to do an internet

16   search of some properties in Atlanta?

17   A.   Yes.

18   Q.   And that's how you came across

19   Marietta?

20   A.   Yes.

21   Q.   Did you ever visit the complex?

22   A.   I've never been to Atlanta.

23   Q.   And you saw that it was -- they had

24   a subsidized community?

25   A.   Yes.

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```
 1            Q.    Do you know what rent you would
 2     have paid at Marietta?
 3            A.    I believe they told me it would
 4     have been about $235 per month.
 5            Q.    And at that point, you were in a
 6     lease -- oh, I'm sorry.  Let me back up,
 7     because you testified you had applied earlier.
 8                  So you had applied while you were
 9     at the University Heights --
10            A.    Yes.
11            Q.    -- location, right?
12                  And you moved into the Lake Shore
13     in April of 2017?
14            A.    Yes.
15            Q.    You said it was warm when you had
16     applied to Marietta.  I mean, was it sometime
17     in 2017 or was it even as far back as 2016?
18            A.    It was 2016.
19            Q.    2016, the summer of 2016?
20            A.    It may have been fall, but it was
21     warm out.  I didn't have -- you know, I
22     remember not wearing a coat at that particular
23     period.
24            Q.    And both the University Heights and
25     the Lake Shore complex, you were in a one-year
```

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 1     lease, correct?

 2          A.    Yes.

 3          Q.    So you are obligated to pay for

 4     that full year?

 5          A.    Uh-huh.

 6          Q.    You have to respond yes or no.

 7          A.    Oh, I'm sorry.  Yes.

 8          Q.    So you find the Marietta complex

 9     online, and you apply when it is warm out,

10     summer or fall of 2016, and did you just hear

11     nothing back at that time?

12          A.    I didn't hear anything -- well, I

13     did receive a letter stating that they -- I

14     can't verbatim.

15                They said they received my

16     application and that they would be sending me

17     some information about the apartment, and, you

18     know, various documents had to be sent to them

19     to go through a process.

20          Q.    Okay.  Did you apply online?

21          A.    Yes.

22          Q.    Do you remember consenting to a

23     background check as part of that process?

24          A.    Yes.  Actually they sent paperwork.

25     They sent it via the mail, and I signed the
```

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```
 1     document for that.
 2          Q.    Okay.  So you apply, you got
 3     confirmation of an application, and then did
 4     nothing happen for a period of months, at
 5     least?
 6          A.    Correct.
 7          Q.    In fact, you even had to move in
 8     the interim, you went from University Heights
 9     to the Lake Shore complex?
10          A.    Correct.
11          Q.    That's just because you hadn't
12     heard anything from Marietta?
13          A.    That's correct.
14          Q.    So then you sign a -- you move into
15     the Lake Shore in April of 2017, sign a
16     one-year lease for Lake Shore, right?
17          A.    Yes.
18          Q.    When was the next time that you
19     heard back from Marietta?
20          A.    Around, I want to say, August 29,
21     2017, I received a letter from them, and they
22     said that I was denied.
23          Q.    So the next time you heard back was
24     the denial letter that you received?
25          A.    Correct.
```

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1   Q.   So no communications in the

2   interim?

3   A.   No.

4   Q.   Because of the subsidized

5   community, you were seeking a subsidized

6   apartment, correct?

7   A.   Yes.

8   Q.   Were you also applying for any

9   market-rate apartments or was it only the

10   subsidized apartment?

11   A.   I hadn't applied for any other

12   apartments for the marketplace, no.

13   Q.   Within the Atlanta community, did

14   you explore any other subsidized apartments

15   that might have been available?

16   A.   No.

17   Q.   So you only looked at Marietta?

18   A.   Yes.

19   Q.   And that was true even after --

20   A.   I saw some other ones on there, but

21   I just chose this one.

22   Q.   Okay. So you didn't ever make any

23   applications at any of those other communities?

24   A.   No.

25   Q.   And even after you were denied at

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1   Marietta, you didn't make any other

2   application?

3   A.   No.

4   Q.   Do you know what income

5   requirements existed at the Marietta complex in

6   order to qualify for the subsidized apartment?

7   A.   I know that there was a criteria.

8   I can't exactly -- I think you had to make

9   maybe less than, for one person, maybe it was

10   less than 25,000, if I can remember.

11   Q.   Okay. You don't recall

12   specifically?

13   A.   No.

14   Q.   What did the application consist of

15   when you applied online? Do you remember what

16   you filled out? Did you have to provide any

17   documentation?

18   A.   I did. I had to submit my driver's

19   license, my birth certificate, and proof of

20   income.

21   Q.   And your income at the time, was

22   that only the Social Security disability?

23   A.   Yes.

24   Q.   Any other documents that you

25   provided that you can recall?

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```
 1            A.     I had to complete the application
 2      along with the background requests and sign
 3      that and send it back.
 4            Q.     And so you actually mailed that in?
 5            A.     I did.
 6            Q.     Did you ever have any -- during
 7      this application process, did you have any
 8      conversations with anyone at Marietta, or was
 9      this all done by printing forms off online and
10      mailing them back?
11            A.     It was all printing off forms and
12      sending them back.
13            Q.     So is it fair to say you hadn't had
14      any communications with anyone personally at
15      Marietta, even until the point where you got
16      the denial letter in August of 2017?
17            A.     Correct.
18            Q.     Were you informed when you applied
19      that there was a wait list or anything like
20      that?
21            A.     Yes.
22            Q.     Okay.  How were you informed of
23      that?
24            A.     Via the letter.
25            Q.     So the letter confirming your
```

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 1    application mentioned that there was a wait

 2    list?

 3          A.    Yes.

 4          Q.    And you were being placed on the

 5    wait list?

 6          A.    Yes.

 7          Q.    I believe the documents I've seen

 8    put your application somewhere around the June

 9    of 2016 timeframe; does that sound about right?

10          A.    That sounds about right.

11          Q.    I know we mentioned it was warm,

12    but if I said June of 2016, that sounds

13    correct?

14          A.    That would be correct.

15          Q.    So basically you were on the wait

16    list and you would just have to wait to hear

17    further?

18          A.    Yes.

19          Q.    What would have happened had you

20    gotten admitted to the Marietta complex, would

21    you have just moved immediately, or would you

22    have stayed for the duration of your lease at

23    the Lake Shore complex?

24                MS. BRENNAN:  Objection to the

25    form.  Go ahead and answer.
```

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1   MR. ST. GEORGE: Did I mess

2   something up in the question?

3   MS. BRENNAN: Incomplete

4   hypothetical. Go ahead and answer.

5   MR. ST. GEORGE: Sorry. Just

6   making sure I hadn't gotten some names wrong.

7   Q.   So what was your intention if you

8   had gotten admitted to the Marietta complex,

9   would you have stayed for the duration of your

10   lease at Lake Shore, or would you have moved to

11   Marietta?

12   A.   Well, I probably would have moved.

13   I didn't know exactly what month, you know,

14   that they would have provided me with an

15   apartment, so I wouldn't have just jumped up

16   and said, hey, I'm out of here.

17   I would have tried to make some

18   type of arrangement with my current landlord at

19   the time. If they said, you know, well, you

20   have to move or -- I wouldn't have just jumped

21   shipped and moved out. I would have accepted

22   the apartment, I'll just put it that way.

23   Q.   Because, let's say, you were

24   accepted into Marietta, and you were intending

25   to move into Marietta. You testified that that

Page 80

1   was approximately -- was it 225 a month, what

2   was the specific figure, do you recall?

3   A.   235.

4   Q.   Okay. So 235, and the Lake Shore

5   complex, you were paying 610 a month in rent,

6   right?

7   A.   Uh-huh.

8   Q.   So if you had somehow had to carry

9   the Lake Shore lease payment when you moved

10 down to Marietta, the combined rent would have

11 been $845 a month?

12   A.   Well, what they could have done

13 here in Ohio, you know, you can break your

14 lease, but they would make an arrangement. So

15 arrangements could have been made.

16   Q.   How do you know that?

17   A.   Well, I had a good relationship

18 with my landlord at the time.

19   Q.   Had you had any discussions or

20 gotten any confirmation in writing --

21   A.   No.

22   Q.   -- that you could have broken your

23 lease?

24   A.   No.

25   Q.   Would you agree with me that you

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1   would not have been able to pay, based on the

2   Social Security payments you were receiving,

3   you wouldn't have been able to pay a combined

4   rent payment of $845 a month?

5   A.   Well, not necessarily, because

6   arrangements would have been made. I would

7   have -- you know, I would have made

8   arrangements, paying what was affordable.

9   I'm sure that they wouldn't have

10   said, well, you are breaking the lease, so

11   we're going to make you pay $610 every month,

12   in addition to what you are paying down there.

13   I would have attempted to make an

14   arrangement, where it would be comfortable to

15   continue to pay the old -- pay something on the

16   old lease and then pay 235 in Atlanta.

17   Q.   Could you afford an apartment,

18   based on your current Social Security

19   Disability income of, I believe you said, it

20   was around $900, a little more than that a

21   month; is that right?

22   What you received in Social

23   Security Disability income, is that $900, is it

24   slightly more?

25   A.   970, yeah.

                                        Page 82

1   Q.   970, and what was it in 2017?

2   A.   943.

3   Q.   943. So in 2017, with the Social

4   Security disability income of 943, if an

5   apartment was available for $845 a month, is

6   that something that you could have afforded?

7   A.   No.

8   Q.   Okay. So you get the denial

9   letter, and that was the first time that you

10   had learned that your application was being

11   turned down, correct?

12   A.   Yes.

13   Q.   Let's take a look at that letter.

14   A.   Okay.

15   MR. ST. GEORGE: Can I have this

16   marked please as Exhibit 1.

17   -   -   -   -   -

18   (Thereupon, Deposition Exhibit 1,

19   Copy of Envelope with June 24, 2016

20   Letter Attached, Beginning with

21   Bates Label Diane D. Jones RealPage

22   00001, was marked for purposes of

23   identification.)

24   -   -   -   -   -

25   Q.   Ms. Jones, do you have in front of

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 1    you what has been marked as Exhibit 1?
 2         A.    Yes.
 3         Q.    And do you recognize this document?
 4         A.    Yes, I do.
 5         Q.    I'll represent to you this is a
 6    document that was produced to my client in this
 7    case by your attorneys.
 8         A.    Yes.
 9         Q.    And what do you understand this
10    document to be?
11         A.    Which, the second page or --
12         Q.    Just the whole thing.
13         A.    Well, it's, on the top, it's
14    information where I received a letter from
15    Marietta, and then the second page here is the
16    actual letter that --
17         Q.    That was in this envelope?
18         A.    Yes.  This is the waiting list
19    letter.
20         Q.    Okay.  I think I may have shown a
21    little confusion here, so I apologize.  This is
22    not the denial letter?
23         A.    No.
24         Q.    This is the letter that you
25    received in connection with the application?
```

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```
 1              A.    Yes.
 2              Q.    Okay.  I apologize.  I got ahead of
 3     myself with the exhibit.
 4                    So this letter is dated June 24,
 5     2016 at the top?
 6              A.    Yes.
 7              Q.    So again, does that confirm that
 8     the application was made in June of 2016?
 9              A.    Yes.
10              Q.    The letter says on the first
11     paragraph, looking at the second page of the
12     document, Ms. Jones, that you were being placed
13     on our waiting list; do you see that?
14              A.    I do.
15              Q.    So you understood as of June 24,
16     2016, you were on the wait list?
17              A.    Yes.
18              Q.    And then it says, two paragraphs
19     down, "Once your name nears the top of either
20     waiting list, we will contact you to begin the
21     interview process.  During the interview, final
22     eligibility and suitability screening will be
23     conducted"; do you see that?
24              A.    Yes.
25              Q.    And your testimony is that you
```

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1   never had any actual interview with anyone at

2   Marietta before you received the denial letter,

3   correct?

4   A.   Well, not a face-to-face.

5   Q.   Right.

6   A.   I guess when they send you the

7   document, maybe that's their interview.

8   Q.   That's fair. You didn't have any

9   further communications with anyone at Marietta?

10   A.   No. Once you are on the waiting

11   list, you just wait.

12   Q.   Right. Okay. If you look at the

13   first page of this document, it's an actual

14   envelope. It is addressed to the University

15   Heights, Ohio address, right?

16   A.   Yes.

17   Q.   And that's where you were living as

18   of June of 2016?

19   A.   Yes.

20   Q.   And then it looks like it is

21   forwarded to your new address, the Lake Shore

22   apartment complex, right; do you see that that?

23   A.   Yes.

24   Q.   It says, "Notify sender of new

25   address."

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```
 1                Why -- oh, why would this have been

 2    forwarded to your new address?  I thought you

 3    didn't move into the Lake Shore complex until

 4    April of 2017.

 5        A.    Well, if the date says August 2017.

 6        Q.    Right.  So I'm just trying to

 7    understand something really basic.

 8                Why is this letter dated June 24 of

 9    2016, but it appears that it's being forwarded

10    to your Lake Shore address when you didn't live

11    there until April of 2017?

12        A.    I don't know.

13        Q.    Okay.  Do you know how long the

14    waiting list was; did you get any information

15    about it?

16        A.    They initially tell you it's

17    anywhere between a year and two years.

18        Q.    How did you hear that?  When you

19    say they initially told you, where did you hear

20    that from?

21        A.    Online.

22        Q.    Do you have any understanding of

23    what the process is once you are accepted off

24    the wait list?

25                Do you know how quickly you would
```

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1   have to move down to Marietta or how quickly

2   you would have to commit?

3   A.   Well, they go through a screening

4   process once you are accepted, so I didn't know

5   exactly the time span of when you could move.

6   Q.   Okay. So you were never told, if

7   your application was accepted, how quickly you

8   would have to move down there or how quickly

9   you would have to accept?

10   A.   No.

11   Q.   All right.

12   A.   Because you go through a screening

13   process, and I didn't know how long. They

14   never mentioned how long that would take.

15   Q.   Let's look at the next exhibit.

16   I'll mark this as Exhibit 2, please.

17   -   -   -   -   -

18   (Thereupon, Deposition Exhibit 2,

19   Denial Notice, Bates Label Diane D.

20   Jones RealPage 00003, was marked for

21   purposes of identification.)

22   -   -   -   -   -

23   Q.   Ms. Jones, you have in front you

24   what has been marked as Exhibit 2.

25   A.   Yes.

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1   Q.   Take a second to just leaf through

2   the document. I just want to ask you what you

3   understand this to be?

4   A.   A denial notice.

5   Q.   Okay. Is this the denial notice

6   you received from the Marietta complex?

7   A.   Yes.

8   Q.   And so this would have been, I

9   believe you said it was late August of 2017?

10   A.   Yes.

11   Q.   Did you say a specific date as to

12   when you received it, do you recall?

13   A.   I recall around the 28th or the

14   29th of August.

15   Q.   All right. Was it just this

16   letter, or was there anything behind enclosed

17   with the letter?

18   A.   It was just this letter.

19   Q.   Okay. All right. And what did you

20   do after you received this letter?

21   A.   I contacted Marietta Road

22   Apartments.

23   Q.   And who did you speak to?

24   A.   I spoke with Ayesha.

25   Q.   Okay. And what did you talk about?

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1   A.   Well, I asked her why was I being

2   denied, why would they deny me, why are they

3   saying that I had a criminal record, because I

4   didn't know about RealPage, and at that point,

5   she said, we didn't do it, and I said, well,

6   who did, and she said LeasingDesk.

7   Q.   And if you look at the front

8   letter, it says, "We have attached the criminal

9   history record which includes the offense on

10   which this decision is based. Specifically,

11   the denial is based on the following offenses.

12   See attached."

13   So if you look through the next

14   pages, was there actually an attachment to this

15   letter, was there an enclosure?

16   A.   The criteria, yes. There was

17   no -- I thought you were talking about the

18   summary or something requested from RealPage,

19   but, yeah, they did attach this.

20   Q.   So they attached --

21   A.   A screening decision.

22   Q.   Okay. All right. So if you look

23   at the bottom, there is just some numbers that

24   have been affixed. It says Diane D. Jones

25   RealPage 4. Do you see that at the very bottom

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```
 1      of this page, the second page, Ms. Jones?

 2           A.    Okay.

 3           Q.    The screen shot.  Do you see at the

 4      bottom, it says, Diane D. Jones RealPage, and

 5      then 4?

 6           A.    This wasn't on here.

 7           Q.    Right, right.  So I just want you

 8      to look at this.  Do you see that --

 9           A.    I see it.

10           Q.    -- that label.

11                 So it is your testimony that what

12      is reflected on Diane D. Jones RealPage 4, this

13      document was attached with this letter; is that

14      right?

15           A.    This stuff that's attached here,

16      I'm not sure that this was attached.

17           Q.    Okay.  Do you know what was

18      attached?

19           A.    I'm looking at this.  This is the

20      information that I requested from RealPage.

21           Q.    Okay.

22           A.    This didn't come from Marietta.

23           Q.    Okay.  So it was something else

24      that was enclosed in the Marietta letter?

25      Because it says there was an attachment.  So
```

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1   I'm just trying to figure out what was

2   attached.

3   A.   Yeah.

4   Q.   Because this is how we got the

5   document, so I'm just trying to figure out.

6   A.   No. I had to just think here, and

7   I'm looking at this. Everything here is what I

8   requested from RealPage.

9   Q.   Okay. So when you move --

10   A.   The only thing I received was a

11   denial letter. There was no attachment.

12   Q.   Okay. So then the rest of Exhibit

13   2, this is information that you requested from

14   RealPage?

15   A.   Yes.

16   Q.   Okay. And then you received from

17   RealPage?

18   A.   And there is something missing that

19   was also attached. Oh, no, here it is. Okay.

20   The screening detail about Toni Taylor.

21   So, yeah, these are all the

22   documents that I requested from RealPage. It

23   didn't come from Marietta.

24   Q.   Okay. So why don't we do this

25   then. Why don't you just take off the first

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```
 1    page of that document.  Let's make that as

 2    Exhibit 2, that first page.

 3         A.    Yeah.  That was kind of confusing.

 4         Q.    Yeah.  We can talk about the rest

 5    of it as we move forward.

 6              So the first page will be the

 7    entirety of Exhibit 2.

 8              Let's go back to the conversation

 9    that you had with Ayesha at Marietta.

10              You mentioned that you spoke about

11    a criminal record.  You told her you didn't

12    have a criminal history; is that right?

13         A.    Yes.

14         Q.    What did she say?

15         A.    She said, well, you're going to

16    have to contact Atlanta, either come out there

17    and go to the police department and go to my

18    own police department here in Cleveland, Ohio.

19    I couldn't afford to fly out to Atlanta, so I

20    called them.

21         Q.    All right.  So that was what

22    prompted you to reach out to the Cleveland

23    Police Department --

24         A.    Yes.

25         Q.    -- and the Atlanta Police
```

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1 Department?

2   THE NOTARY: Let him finish the

3 question, please.

4   THE WITNESS: I'm sorry.

5   Q.   So then you testified that after

6 you contacted those two police departments, you

7 then called Marietta back; is that right?

8   A.   Yes.

9   Q.   And did you speak to Ayesha again?

10   A.   I spoke with Ayesha, and then, when

11 she said the same thing, I wasn't satisfied, so

12 I asked to speak with someone with some

13 authority.

14   Q.   Okay. And did someone else get on

15 the line?

16   A.   Someone else got on the line, and

17 they, you know, agreed with what she told me.

18 They said the same thing she said, "You have to

19 straighten this out."

20   So Ayesha got back on the phone,

21 and I asked her for contact information for

22 LeasingDesk, and she didn't provide me with

23 that, so at that point I got online and found

24 them on my own.

25   Q.   Okay. And that's when you

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 1    contacted LeasingDesk for the first time?
 2         A.    Yes.
 3         Q.    So looking back at Exhibit 2, this
 4    letter, this denial letter, you see in the
 5    second paragraph there is some bolded text that
 6    says, "You have ten days from the date of
 7    receipt of this letter," in a parenthetical,
 8    "to request review in writing"; do you see
 9    that?
10         A.    Yes.
11         Q.    Did you request a review in writing
12    from Marietta?
13         A.    Yes.  I actually had to contact
14    them to get information or documentation on how
15    I would go through and inform a review request.
16    And so she said she would mail out a form that
17    I could complete.
18         Q.    Okay.
19         A.    And then that would start an appeal
20    process.  But I couldn't start the appeal
21    process until it was verified from LeasingDesk
22    that this stuff wasn't mine.
23         Q.    Okay.  So your testimony is that
24    there was an appeal process, but that you were
25    informed that you couldn't start the appeal
```

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1   process until you contacted LeasingDesk?

2   A.   Right. So I kept calling them.

3   Finally I got ahold of someone, and they said,

4   well, you can -- there is a process, I think a

5   complaint process that you could go through,

6   and I did that via email.

7   Q.   Okay. All right. So you mentioned

8   a conversation you had with Ayesha before you

9   contacted the police departments, a

10   conversation you had with Ayesha after you

11   contacted the police departments, a

12   conversation with a supervisor when it was

13   elevated above Ayesha, and then you contacted

14   RealPage after that, correct?

15   A.   Yes.

16   Q.   Did you have any other

17   conversations with anyone at Marietta?

18   A.   No.

19   Q.   If you look at the -- if you look

20   at this letter, Exhibit 2, it says, towards the

21   bottom, there is a one-sentence paragraph that

22   says, "If you did not commit the criminal

23   offense and you have been cleared of criminal

24   charges, you must bring to the hearing

25   documents showing the final disposition of the

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```
 1    charges"; do you see that?
 2          A.    Yes.
 3          Q.    But again, you did not make an
 4    attempt to get the criminal file of Toni
 5    Taylor?
 6          A.    Well, I wasn't allowed to have
 7    that.
 8          Q.    Why not?
 9          A.    Well, when I called the police
10    department in Atlanta, they can't -- they can't
11    share that.
12          Q.    Did you ask for it?
13          A.    Yes.
14          Q.    And they --
15          A.    And they wouldn't -- I'm sorry.
16          Q.    No.  So you said you asked for it.
17    So what did they say?
18          A.    They said, well, we can't submit
19    anything, but we can tell you that your name is
20    not attached to this.  There was a case number
21    for her.
22          Q.    I take it, based on the fact that
23    you live in complexes where you have been
24    screened for criminal history, that you don't
25    have any objection to a criminal background
```

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1   screening process, right?

2   A.   No.

3   Q.   In fact, is it fair to say that you

4   would prefer to live in a community where

5   people are screened?

6   A.   Yes.

7   Q.   That would help to ensure that the

8   residents of that community are safe, correct?

9   A.   Yes.

10   Q.   All right. So you described all of

11   the conversations that you had with Marietta,

12   correct?

13   A.   Yes.

14   Q.   So let's -- let me have the next

15   page of this document -- let's tear this off as

16   well. If you can take -- so put Exhibit 2

17   aside, Ms. Jones, so the cover page, so put

18   that first page aside.

19   And let's take the next page and

20   just tear that one off specifically, the screen

21   shot that's marked as Diane Jones RealPage 4.

22   Let's mark this marked as Exhibit 3. So if you

23   could just hand that back to the court

24   reporter. Yes, that piece of paper right

25   there.

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```
 1                        -   -   -   -   -

 2                    (Thereupon, Deposition Exhibit 3,

 3                    Screen Shot, Bates Label Diane D.

 4                    Jones RealPage 00004, was marked for

 5                    purposes of identification.)

 6                        -   -   -   -   -

 7          Q.    Ms. Jones, do you have Exhibit 3 in

 8     front of you?

 9          A.    Yes.

10          Q.    And do you recognize this document?

11          A.    Yes.

12          Q.    And what is it?

13          A.    It is a screening decision.

14          Q.    Okay.  Is this a document that was

15     provided to you?

16          A.    Yes.

17          Q.    And how did you get it?

18          A.    I requested it from RealPage.

19          Q.    And was this in the conversation

20     that you had with -- was that request made in

21     the conversation that you had with RealPage

22     after you had talked to Ayesha and the

23     supervisor at Marietta?

24          A.    Yes.

25          Q.    And what do you understand this
```

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```
 1    document to show?

 2         A.    It shows that they have a certain

 3    criteria, from your income to your credit,

 4    employment history, criminal record, if I had

 5    an incomplete application, and I understand it

 6    too that the criminal public records were

 7    unsatisfactory, because that was the box that

 8    they had checked.

 9         Q.    Okay.  I understand.  Let's put

10    that aside, that page.  Then if you can take

11    the remainder of the documents, it should be

12    right there, yes, the one you have your hands

13    on, let's have that marked as Exhibit 4.  If

14    you could hand that back to the court reporter,

15    please.

16                    -  -  -  -  -

17                (Thereupon, Deposition Exhibit 4,

18                Credit Report, Beginning with Bates

19                Label Diane D. Jones RealPage 00005,

20                was marked for purposes of

21                identification.)

22                    -  -  -  -  -

23         Q.    Ms. Jones, you have in front of you

24    what has been marked as Exhibit 4?

25         A.    Yes.
```

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 1   Q.   What is this document?

 2   A.   A credit report.

 3   Q.   Okay. And this is a document that

 4   you produced in this case. So how did you get

 5   it?

 6   A.   I got it from RealPage.

 7   Q.   Okay. So this was a document that

 8   you requested from RealPage?

 9   A.   Yes.

10   Q.   And if I look at the very top of

11   the document, there is a date on it. Do you

12   see the top left-hand corner, it says August 8

13   of 2017; do you see that?

14   It's kind of in small print. It is

15   probably by your paperclip.

16   A.   Oh, yes, yes.

17   Q.   Does that refresh your

18   recollection, is that the date that you

19   contacted RealPage?

20   A.   Yes.

21   Q.   Okay. So this document and the

22   pages that follow, what do you understand this

23   to be? And these are documents that you

24   produced to us in this case.

25   A.   The credit report and the summary

                                        Page 101

1   of the criminal report for Toni Taylor.

2   Q.   Okay.   So is it your understanding

3   that this was a copy of the information that

4   went to Marietta?

5   A.   Yes.

6   Q.   Okay. All right. Looking at just

7   this front page, there is some various

8   accounts. These are all for credit-related

9   accounts, I take it?

10   A.   Yes.

11   Q.   You are not disputing anything

12   about the accuracy of any of these accounts,

13   right? I'm just asking about the first page

14   for right now.

15   A.   No.

16   Q.   Okay. So let's go to the second

17   page of Exhibit 4.

18   A.   Yes.

19   Q.   It looks like this is a screening

20   detail report, and you were sent a copy of this

21   by RealPage, correct?

22   A.   Yes.

23   Q.   All right. So up at the top, it's

24   got some information about you. It's got the

25   last four of your social as 9799; do you see

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```
 1   that?

 2          A.    Yes.

 3          Q.    What is your full Social Security

 4   Number?

 5          A.    278-62-9799.

 6          Q.    And then it has go a birth date of

 7   August 13, and the year is X'd out for privacy.

 8   What's your full birth date?

 9          A.    August 13, 1961.

10          Q.    And it looks like there is a credit

11   score that was provided here by Equifax, and

12   that credit score is 556; do you see that?

13          A.    Yes.

14          Q.    Does that sound approximately

15   correct?

16          A.    Yes.

17          Q.    There is address history that is

18   below that personal identifying information,

19   it's got a number of prior addresses, and it

20   states that your current address at the time

21   that you had submitted was the University

22   Heights address.

23                Are all these prior addresses

24   correct, any issues with those?

25          A.    Where's the address on here?
```

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1   Q.   It's in the box that says Previous

2   Addresses.

3   MS. BRENNAN: Next page.

4   Q.   I'm sorry.   We moved on to page 2,

5   yes.

6   So the previous addresses box, you

7   see that there is a number of addresses,

8   starting with the current address in University

9   Heights?

10   A.   They are all correct.

11   Q.   Okay.   And then if you go with me

12   to the very last page of the document, you see

13   that there is a criminal record identified; do

14   you see that?

15   A.   Yes.

16   Q.   And this has a criminal record for

17   Toni Taylor?

18   A.   Yes.

19   Q.   And it's got some information about

20   her, a female, black woman, black hair and

21   brown eyes; do you see that?

22   A.   I do.

23   Q.   And then there is a number of

24   aliases that were used by Toni Taylor; do you

25   see that?

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1   A.   Yes.

2   Q.   And you would agree with me that

3   this reflects that she had previously used two

4   aliases with the last name of Jones?

5   A.   Yes.

6   Q.   Would you agree with me that it is

7   important to screen for aliases of offenders to

8   make sure that you're capturing an offense for

9   someone who might be using an alias, as opposed

10   to their real name?

11   A.   No.

12   Q.   You think aliases should not be

13   used in the screening process at all?

14   A.   Well, I think they should be used,

15   but Diane Jones is not one of them.

16   Q.   Okay. So it is your opinion then

17   that an alias would have to match your name

18   exactly to be useful; is that right?

19   A.   Well, I would assume so.

20   Q.   All right. So if one of aliases

21   had been Diane Jones, you would agree with me

22   that that would perhaps be useful to know, but

23   a Tina Jones or a Pamela Jones, because the

24   first names wouldn't match, you wouldn't find

25   that to be useful; is that right?

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1   A.   I don't -- no. I mean, Pamela

2   Jones, Tina Jones, Diane Jones, I imagine in

3   the screening process, but I would think that

4   they would be more accurate, because they have

5   all of my information.

6   Q.   So I guess what I'm asking is, if

7   someone has an alias name, and let's say that

8   alias is Diane Jones, is that something that

9   you think that the screening process should

10   account for?

11   A.   If the alias is exactly my name,

12   then, yes.

13   Q.   Okay. But if the alias is not

14   exactly your name, then you think that that's

15   something that should be disregarded?

16   A.   I don't know if I would say

17   disregarded, but I would think -- I would say

18   they should screen further.

19   Q.   Okay. All right. And when you saw

20   this, this was the first time that you had seen

21   a reference to Toni Taylor, right?

22   A.   Yes.

23   Q.   You say that Toni Taylor doesn't

24   have your same birth date. You've mentioned

25   that before in your testimony. What is her

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1   birth date?

2   A.   Well, according to this document,

3   it has January 1, and it also has December 31.

4   It doesn't have the year, so I don't know what

5   year here birthday is.

6   Q.   So you don't know if her year

7   actually is -- her birth year is actually the

8   same as yours?

9   A.   I don't know.

10   Q.   All right. Do you know whether

11   there is a version of this report that you have

12   seen in this case that actually has those years

13   populated, so not with Xs; have you seen that

14   version of the report?

15   A.   No, I have not.

16   Q.   Have you seen any documents that

17   RealPage has produced in this case?

18   So apart from the ones that you got

19   specifically, have you seen any other documents

20   that my client has produced as part of this

21   litigation?

22   A.   No. I've only seen what they sent.

23   Q.   All right. Let me show you another

24   document.

25   MR. ST. GEORGE: Can I have that

Page 107

1   marked as Exhibit 5.

2   - - - - -

3   (Thereupon, Deposition Exhibit 5,

4   8/21/2017 Letter, Bates Label Diane

5   D. Jones RealPage 000164, was marked

6   for purposes of identification.)

7   - - - - -

8   Q.   I know we are going into the lunch

9   hour, so if you need a break or -- we will at

10   some point take a lunch break, but I just want

11   to be respectful of anything that you have, if

12   your stomach is growling.

13   A.   Okay.

14   Q.   Ms. Jones, you can put aside that

15   other exhibit.

16   You have in front of you what has

17   been marked as Exhibit 5.

18   A.   Yes.

19   Q.   Okay. And do you recognize this

20   document at all?

21   A.   It looks like the denial letter

22   from Marietta.

23   Q.   Okay. So just one basic question:

24   Do you recall ever receiving this document?

25   A.   Yes.

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1   Q.   Okay.   It's dated -- so let me ask

2   you a question.   So you received the document,

3   if you look back at Exhibit 2, that was another

4   denial letter that we looked at from Marietta.

5   If you can have Exhibit 2 in front of you.

6   A.   Wait a minute.   I didn't read the

7   bottom in its entirety, but this letter, I

8   don't remember seeing this letter.

9   Q.   Okay. All right. Fair enough.

10   I'll represent to you this is a

11   document that my client produced from its

12   system. So I wanted to see if you had ever

13   recalled seeing a copy of this.

14   A.   No. This is the first time I've

15   seen this letter. I though this was the same

16   as that was.

17   Q.   So you did receive Exhibit 2, which

18   is the denial letter we looked at from

19   Marietta?

20   A.   Yes.

21   Q.   And your testimony is you have not

22   previously seen Exhibit 5?

23   A.   No.

24   Q.   You can put that aside.

25   MR. ST. GEORGE: Let's have this

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1   marked as Exhibit 6, please.

2   - - - - -

3   (Thereupon, Deposition Exhibit 6,

4   Fax Transmission Page with

5   Attachment, Beginning with Bates

6   Label Diane D. Jones RealPage 00015,

7   was marked for purposes of

8   identification.)

9   - - - - -

10   Q.   Do you have Exhibit 6 in front of

11   you, Ms. Jones?

12   A.   Yes.

13   Q.   And do you recognize this document?

14   A.   Yes.

15   Q.   What is it?

16   A.   This is a fax that I sent to

17   Marietta, requesting an informal hearing.

18   Q.   Okay. So was this in response to

19   Exhibit 2, which says you could request a

20   review in writing?

21   A.   Yes.

22   Q.   Is that what this is?

23   A.   It is.

24   Q.   And how did you get this

25   documentation; was it sent to you by the

Page 110

1   Marietta complex?

2   A.   Yes.

3   Q.   Did it arrive in the mail?

4   A.   Yes.

5   Q.   And you filled it out and sent it

6   back?

7   A.   Yes.

8   Q.   And it looks like the only thing

9   you enclosed with this was a copy of your

10   driver's license; is that right?

11   A.   Well, along with --

12   Q.   Yeah, so I'm not trying to be

13   tricky here. This document that we are looking

14   at, Exhibit 6, is this the complete fax that

15   you sent back?

16   A.   Yes.

17   Q.   Okay. And after you faxed this

18   back, did you hear anything further from

19   Marietta?

20   A.   Oh, it was a while --

21   Q.   Okay.

22   A.   -- that I heard something.

23   Q.   What did you -- when did you hear

24   back?

25   A.   I want to say sometime in October.

                                     Page 111

```
 1            Q.     All right.  What did you hear?
 2            A.     They contacted me and said that
 3     they would be having something come up, and
 4     that they would get back with me when something
 5     came up, but they didn't.
 6                   So I contacted them to see if I
 7     would still be able to have an apartment and
 8     had RealPage straightened things out.
 9            Q.     So let me back up and make sure
10     I've got everything straight.
11                   So you faxed this in.  The fax
12     transmission date on this is October 3, 2017;
13     do you see that?
14            A.     Yes.
15            Q.     Okay.  So that was, you know,
16     approximately a month after you had gotten the
17     denial letter, right?
18            A.     Well, I received the denial letter
19     in August.
20            Q.     Right.  So the very end of August
21     though, right, like August 28?
22            A.     Yes.
23            Q.     So this was October 3 you faxed
24     this in?
25            A.     Yes.
```

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1   Q.   A little more than a month elapsed,

2   September, right?

3   A.   Yes.

4   Q.   So you sent this fax back in on

5   October 3, 2017. You said that you heard back

6   from Marietta, and it took them a while. Was

7   it in October that they contacted you?

8   A.   Yes. Well, actually I contacted

9   them, because I hadn't gotten my appeal

10   process.

11   Q.   I see. Okay. So you contacted

12   Marietta again before you sent this fax?

13   A.   Yes.

14   Q.   And then they sent you the

15   paperwork, and then you faxed it back?

16   A.   Right.

17   Q.   So after you faxed this back from

18   Marietta, what happened after that?

19   A.   Well, after that, I didn't hear

20   anything with regard to the appeal process. So

21   I thought, okay, well, they are not going to

22   rent an apartment.

23   So I reached out to them again to

24   see why I hadn't been allowed my appeal process

25   and to see if I was still in line for an

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```
 1    apartment, and they didn't have an apartment

 2    for me.

 3          Q.    Okay.

 4          A.    They said that the apartment that

 5    was set up for me prior to my being denied had

 6    been rented.

 7          Q.    Okay.  When did you -- so you

 8    mentioned you reached back out because you

 9    hadn't heard anything about your appeal.  When

10    did you reach back out, how long after you sent

11    the fax?

12          A.    That had to be in October as well.

13          Q.    Was it a week, two weeks after you

14    sent the fax, do you have any recollection?

15          A.    Maybe two weeks.

16          Q.    Okay.  So you reached back out, and

17    you said that you were informed at that time

18    that there was not an apartment available?

19          A.    They had rented it.

20          Q.    Did you talk to Ayesha again?

21          A.    Yes.

22          Q.    Did she say anything about the

23    appeal process, anything further?

24          A.    No.  In fact, I won't say -- I

25    can't say what her demeanor was, because I
```

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1   wasn't in front of her physically, but there

2   was some hurriedness and reluctance. It was

3   like -- it was like she was a different person.

4   I had this report out here, and I

5   don't know if she believed it or she felt that

6   I wasn't -- that it was me, but there was

7   nothing to really truly say that it wasn't me.

8   So I just -- it seems as though

9   this whole process kind of changed their mind

10   about it, because they had rented the apartment

11   to someone else. So I didn't get my appeal

12   process, so I just didn't understand what was

13   going on.

14   Q.   Okay. And after you had that

15   follow-up with Ayesha in, say, mid-October, mid

16   to late October, any further conversations with

17   Marietta after that?

18   A.   No further conversation.

19   Q.   Did you ever ask them if they could

20   hold an apartment while you looked into --

21   while you are talking to RealPage or make any

22   requests of them in that regard?

23   A.   Well, they don't hold apartments.

24   Q.   Did you ever ask?

25   A.   I don't remember asking if they

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1   could hold an apartment.

2   Q.   Did you ever bring up the fact that

3   the record related to a Toni Taylor, and that

4   wasn't your name?

5   A.   I didn't mention her name at all.

6   I just said that the person on this report is

7   not me.

8   Q.   Okay.

9   A.   And at that point, they hadn't

10   received anything from -- I don't know that

11   they had or not, but she didn't mention that

12   RealPage had satisfied them to say it wasn't

13   me.

14   Q.   They needed RealPage to say it

15   wasn't you, potentially?

16   A.   Well, they needed something from

17   RealPage as well as the police department.

18   Q.   All right. So it's your testimony

19   they told you they needed something from both

20   the police department and RealPage?

21   A.   Yes.

22   Q.   And you weren't able to get

23   anything from the police department?

24   A.   No. And I did speak of the

25   conversations that I had with both police

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 1    departments.
 2          Q.    Okay.  So it's your testimony they
 3    told you you couldn't be approved for an
 4    apartment until you had something from both
 5    RealPage and the police department?
 6          A.    Yes.  They needed to know that I
 7    hadn't been an offender.
 8          Q.    And who told you that, was that
 9    Ayesha?
10          A.    Yes.
11          Q.    Okay.  Let's talk -- let's switch
12    gears and talk about communications you had
13    with RealPage.
14          A.    Okay.
15          Q.    So we are going to move away for a
16    minute from the conversations you had with
17    Marietta.
18                So you mentioned that after you had
19    contacted the police departments of Cleveland
20    and Atlanta, you had followed back up with
21    Ayesha, and she told you that you would need
22    something from RealPage.  So then that was the
23    first time that you contacted RealPage, right?
24          A.    Yes.
25          Q.    Okay.  And that was around, I
```

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```
 1    think, was it August 28, 2017; is that the

 2    date?

 3         A.    28, 29, in that area, yes.

 4         Q.    We previously looked at an exhibit

 5    that was printed off that you said you got from

 6    RealPage that showed August 28 of 2017.  So is

 7    that the date then most likely?

 8         A.    Yes.

 9         Q.    So let's have another exhibit

10    introduced.  I think we are on 7.  Yeah.

11                    -   -   -   -   -

12               (Thereupon, Deposition Exhibit 7,

13               Form: Consumer Dispute, Beginning

14               with Bates Label RealPage/Jones

15               000041, was marked for purposes of

16               identification.)

17                    -   -   -   -   -

18         Q.    So you mentioned that you had

19    contacted RealPage.  Did you call them on the

20    phone?

21         A.    I called them on the phone, and we

22    emailed as well.

23         Q.    Okay.  How did you get the number,

24    just off the internet?

25         A.    Yes.
```

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1   Q.   So you called, like, their customer

2   service department?

3   A.   I did.

4   Q.   Who did you speak to, do you

5   remember?

6   A.   There were quite a few people. I

7   know I spoke with someone, they said their name

8   was Terry, because I jotted that down in my

9   notes. I spoke with a gentleman who had a

10   foreign accent. I can't remember his name.

11   Q.   Okay.

12   A.   And that was my initial call, and

13   he wasn't really helpful, and I was really

14   upset, because he told me that the criteria

15   was, "We go by your date of birth," and I'm

16   trying to explain to him that, you know, that's

17   just not good enough of an explanation, because

18   I had been accused of being a criminal.

19   And he said, well -- I asked to

20   speak with a supervisor, and he said that they

21   didn't have supervisors there.

22   So I was really upset. I can't

23   even remember exactly. I was really, really

24   upset about it. And he apologized that I was

25   upset, and then he said he would have someone

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1   contact me.

2   No one called me, so I called

3   again, and was really upset, and I said, well,

4   maybe I should have my attorney contact you

5   guys, and that's when he said, well, we will

6   give you our email address, and we will send

7   you some information, and then you can dispute,

8   but I did request, I said, well, I need to know

9   where did you get this information and I need

10   to know what's on the report, and they sent

11   this information here.

12   Q.   The report copy that you are

13   mentioning, I believe you are pointing at

14   Exhibit 4, did they send that to you by email?

15   A.   Yes.

16   Q.   Okay. So you had it -- all these

17   conversations that you described, did these all

18   occur on the same day?

19   A.   Well, there were various

20   conversations because, after I received the

21   summary, I had a conversation that I want this

22   removed from my background.

23   Q.   Let me just back up and take it one

24   step at a time.

25   So you testified you called in, you

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```
 1    spoke to someone named Terry, you spoke to

 2    someone with a foreign accent, you asked for a

 3    call back, you didn't receive a call back from

 4    a supervisor, so you called back to RealPage,

 5    right?

 6         A.    Yes.

 7         Q.    Did all of that happen on the same

 8    day?

 9         A.    No.

10         Q.    How long did it take -- you said

11    you were going -- you requested a call back,

12    you didn't get one.  How long did it take for

13    you to call RealPage back?

14         A.    Well, I have had calls with them

15    requesting information to show that they had

16    removed this from my report up until like -- in

17    September, September 6, September 7.

18         Q.    Okay.

19         A.    But I didn't receive anything to

20    show that this was removed.

21         Q.    Okay.  So on the 28th, the first

22    day that you contacted, that's the date that

23    you received a copy of the report by email; is

24    that right?

25         A.    Yes.
```

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1   Q.   And did you submit documentation to

2   RealPage that same day to initiate the dispute

3   process?

4   A.   Well, I believe so.

5   Q.   Okay. So let's take a look at what

6   you have in front of you as Exhibit 7. This is

7   a document, I'll represent to you, that my

8   client produced in this case. So this is not a

9   document that you sent. It is a document that

10   we had in our systems, and it is dated August

11   28 of 2017 on the first page; do you see that?

12   A.   Yes.

13   Q.   And it has an email address,

14   facialcleanse13@gmail.com --

15   A.   Yes.

16   Q.   -- is that your email?

17   A.   I'm sorry.

18   Q.   Is that your email?

19   A.   Yes.

20   Q.   And it looks -- this document

21   appears to represent that the dispute is being

22   opened up in response to communications from

23   you on August 28 of 2017; is that accurate?

24   A.   Yes.

25   Q.   So there was a dispute that was

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 1    initiated that day; is that right?

 2         A.    Yes.

 3         Q.    And was that the same day that you

 4    had found out about the denial from Marietta,

 5    or was it the day after?

 6              Because you mentioned that you had

 7    gotten a denial letter from Marietta, you know,

 8    around the 28th of August.  So this all

 9    happened on the same day?

10         A.    Yes.

11         Q.    Okay.  So you initiate the dispute.

12    So all these conversations you had with

13    Marietta and the police departments and

14    RealPage, all of these happened on the same

15    day, correct?

16         A.    Yes.

17         Q.    All right.  And then if you look at

18    the second page, there is a sentence towards

19    the top, it says, "Consumer is disputing

20    non-match records, stating that she has never

21    lived in Georgia"; do you see that?

22         A.    Yes.

23         Q.    Is that what you told RealPage?

24         A.    Yes.

25         Q.    Did you hear back from RealPage
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 1    about the dispute that you had opened up?
 2         A.    They sent an email stating that
 3    they were going to correct it, and that -- I
 4    can't remember exactly.  They said that they
 5    were going to make the corrections and they
 6    would contact Marietta, and they said but I
 7    need to call them as well, because -- I can't
 8    remember the letter verbatim, but it mentioned
 9    that it will be up to them, and the letter also
10    said -- in a way it said that it wasn't -- it
11    could or it could not be me.
12              It didn't say that in verbatim, but
13    it was worded a different way, that something
14    to the effect that it may or may not be me, and
15    that I would need follow-up with Marietta, and
16    it was their decision if they would want to
17    rent to me or not.
18         Q.    Okay.  And can you understand that
19    RealPage -- you understand that RealPage
20    doesn't decide whether or not someone can move
21    into an apartment complex?
22         A.    I understand.
23         Q.    Okay.  So let's take a look at
24    another exhibit.
25              MR. ST. GEORGE:  Let's have this
```

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1   marked as Exhibit 8.

2   - - - - -

3   (Thereupon, Deposition Exhibit 8,

4   Dispute Results for Diane D. Jones,

5   Beginning with Bates Label Diane D.

6   Jones RealPage 00009, was marked for

7   purposes of identification.)

8   - - - - -

9   Q.   This might relate to what you were

10   just describing.

11   Ms. Jones, you have Exhibit 8 in

12   front of you?

13   A.   Yes.

14   Q.   So I'll represent this is a

15   document that you produced to us in this

16   litigation. And do you recognize this

17   document?

18   A.   Yes.

19   Q.   Okay. What is it?

20   A.   It's a dispute results for Diane

21   Jones.

22   Q.   Okay. And it is from

23   consumer.relations@leasingdesk.com, and it is

24   to facialcleanse13@gmail.com. That's your

25   email address, right?

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```
 1            A.    Yes.

 2            Q.    So this is an email that you

 3    received from LeasingDesk?

 4            A.    Yes.

 5            Q.    And it is dated August 29, 2017 at

 6    10:24 in the morning?

 7            A.    Yes.

 8            Q.    And that's when you received it?

 9            A.    Yes.

10            Q.    So summarizing, it says, you know,

11    "Dear Ms. Jones, Thank you for contacting us

12    regarding your issue," and, "Regarding the

13    accuracy and/or completeness of certain

14    information in your consumer file."

15                And then if you go down to the

16    second full paragraph, it say, "LeasingDesk

17    Screening has investigated your dispute and has

18    notified the sources of the disputed

19    information.  Our investigation is now

20    complete.  The investigation performed by

21    LeasingDesk Screening revealed that the

22    disputed information is inaccurate, incomplete,

23    or cannot be verified.  LeasingDesk Screening

24    has reported the findings of our investigation

25    to the Marietta Road 7302 community.  The
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1   apartment community makes a decision based upon

2   many factors. You may want to review the

3   findings of the reinvestigation with Marietta

4   Road 7032, and we encourage you to do so"; do

5   you see that?

6   A.   Yes.

7   Q.   And did you read this when this

8   email came in?

9   A.   Yes.

10   Q.   Okay. And based on this, did you

11   understand that LeasingDesk had determined that

12   the disputed criminal record for Toni Taylor

13   was not accurate and that it had reported that

14   to the Marietta Road community?

15   A.   Yes.

16   Q.   Okay. And then the next paragraph

17   down, it says, "Based upon our investigation,

18   we have determined that the records do not

19   belong to you and the records will be removed

20   from your file"; did you see that?

21   A.   Yes.

22   Q.   So again, you understood that the

23   records were being removed from your screening

24   file based on the determination that they did

25   not belong to you?

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1   A.   Yes.

2   Q.   And this was a day after -- well,

3   the morning after you had contacted LeasingDesk

4   to dispute the information, correct?

5   A.   Correct.

6   Q.   So the disputed information was

7   corrected and reported, and the correction was

8   reported back to Marietta less than 24 hours

9   after you contacted LeasingDesk, correct?

10   A.   Yes, according to their document.

11   Q.   Right. If you look at the next

12   page of the document, there is another email

13   that was produced by you in this case, and this

14   is from the facial cleanse address to consumer

15   relations dated August 31, 2017; do you see

16   that?

17   A.   Yes.

18   Q.   So you sent an email to the

19   consumer relations department a couple days

20   after you received the notification that the

21   record had been removed from your file, right?

22   A.   Yes.

23   Q.   Why were you sending this? What

24   was the point of this additional email?

25   A.   Because I wanted to see in writing

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1   that they had indeed removed the information.

2   Q.   Okay. Did you get any response to

3   this email?

4   A.   I didn't get anything to show that

5   they had actually removed it.

6   Q.   Okay. And what were you looking

7   for to show that they had removed it?

8   A.   Well, because I felt that if some

9   day I applied for an apartment again and they

10 would submit that information again.

11   Q.   Okay. But they had told you it had

12 been removed from your file at that point,

13 right, so you were just looking for some sort

14 of confirmation of that?

15   A.   Yes.

16   Q.   So is it fair to say that you

17 wanted to see a screening report or something

18 like it that omitted -- that did not have that

19 criminal record on it?

20   A.   Yes.

21   Q.   All right. It says towards the

22 bottom of this email, "Your errors have created

23 an economic problem for me;" do you see that?

24   A.   Yes.

25   Q.   What did you mean by that?

                                          Page 129

1   A.   I meant that because of that

2   report, I was denied an apartment, and I have

3   out here this criminal information that didn't

4   belong to me.

5   Q.   The last line says, "A copy of this

6   and all correspondence has been forwarded to my

7   family attorney." Who that is?

8   A.   Well, I have a family attorney that

9   we have had for a long, long time, and nothing

10   became of it, but just in case the report was

11   still out there about me, then I wanted them to

12   know that I had representation if my name

13   couldn't be cleared.

14   Q.   Okay. That family attorney was not

15   Francis & Mailman?

16   A.   It wasn't.

17   Q.   Have you ever encountered this Toni

18   Taylor record being reported in connection with

19   any application that you have submitted after

20   August of 2017? That's a terrible question.

21   Let me rephrase it.

22   Have you ever encountered the Toni

23   Taylor record being reported on any -- in

24   connection with any screening that has been

25   conducted for you after August of 2017?

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 1           A.    No, because I don't believe they

 2    used RealPage.

 3           Q.    Okay.  Why do you say that?  How do

 4    you know that these other complexes haven't

 5    used RealPage?

 6           A.    Well, some of them have -- you

 7    know, they will document various ways that they

 8    obtained your information.

 9           Q.    Okay.  And you have never seen

10    RealPage?

11           A.    No.

12           Q.    So to your knowledge, this record

13    has not been reported by RealPage again after

14    August of 2017 to anyone else?

15           A.    Not to my knowledge.

16           Q.    The Toni Taylor record?

17           A.    Not to my knowledge.

18           Q.    So RealPage, in Exhibit 8, is

19    representing to you that they had provided the

20    results of their dispute to the Marietta Road

21    complex, right?

22           A.    According to the document, yes.

23           Q.    And did you ever hear from anyone

24    at Marietta Road, after August 29 of 2017, that

25    they had received those revised results?
```

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1   A.   No.

2   Q.   Did you ever ask whether they had

3   received them?

4   A.   No.

5   Q.   Okay. This documentation, this

6   letter that you received from RealPage that

7   says, "We have determined that the records do

8   not belong to you and the records will be

9   removed from your file," did you ever provide

10   this to anyone at Marietta Road, this letter?

11   A.   No, I didn't, because they said

12   that they were going to submit the information

13   to Marietta themselves.

14   Q.   Well, why wouldn't you have just

15   send this to Marietta too, if you were having

16   follow-up conversations with Marietta?

17   A.   I don't know.

18   Q.   I mean, we looked at the fax that

19   you sent in, Exhibit 6. It did not enclose the

20   letter that you received in Exhibit 8 in

21   connection with that fax that you sent to

22   Marietta, right?

23   A.   Well, to be honest, I was exhausted

24   doing all of this, and I felt that it was

25   RealPage's responsibility to say that they made

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```
 1    an error.
 2         Q.    Do you dispute that RealPage did
 3    send the results of their investigation to
 4    Marietta?
 5         A.    I don't dispute, no.
 6               MR. ST. GEORGE:  Do you want to
 7    take -- let's go off the record for a second.
 8               THE VIDEOGRAPHER:  Off the record.
 9               (Recess taken.)
10               THE VIDEOGRAPHER:  On the record.
11    1:07.
12         Q.    Back on the record.  Ms. Jones,
13    I'll just remind you that you remain under
14    oath.
15         A.    Yes.
16         Q.    I want to hand you what I'll have
17    marked as Exhibit 9.
18                     -  -  -  -  -
19               (Thereupon, Deposition Exhibit 9,
20               Document Reflecting Internal Notes
21               of RealPage, Beginning with Bates
22               Label RealPage/Jones 000166, was
23               marked for purposes of
24               identification.)
25                     -  -  -  -  -
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1   Q.   Ms. Jones, you have Exhibit 9 in

2   front of you?

3   A.   Yes.

4   Q.   Okay. I'll represent to you this

5   is not a document that you would have seen

6   before. This is a document that is

7   produced -- that was produced by my client in

8   connection with this lawsuit. It reflects some

9   internal notes.

10   So I'm not asking you to, sort of,

11   confirm what this document is. I just want to

12   talk about some of the notes in here and ask

13   you if this is consistent with your

14   recollection.

15   So this document memorializes the

16   contacts that RealPage had with you and with

17   Marietta Road in connection with your dispute,

18   and so can you please turn to the third page of

19   the document.

20   The third page of the document has

21   some names and, towards the top, you will see

22   that there are various notes being created by

23   RealPage employees. There is a Terry

24   Heronime -- that's probably terrible -- but you

25   mentioned that you had spoken with someone

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 1   named Terry, right?

 2   A.   Yes.

 3   Q.   Okay. And this seems to reflect

 4   that there is another conversation that you had

 5   with someone named Marco Angelo Losantas,

 6   "Customers wants to speak with supervisor."

 7   Do you know if Marco Angelo, is

 8   that the person that you initially spoke to,

 9   does that ring any bells?

10   A.   The name doesn't ring a bell, but

11   it looks like his name is -- that he may have

12   had an accent, so it's possibly, but then I see

13   up here that Raymond has -- may have had an

14   accent as well.

15   Q.   Okay. Let's look at the next page,

16   RealPage/Jones 169 at the bottom. There is an

17   activity history, certain notes that are

18   reflected here, and it starts off on, actually,

19   the next page, that sort of case history,

20   activity history.

21   There is two notations here in the

22   activity history section where Raymond John --

23   again, I won't attempt to pronounce the last

24   name -- says, "Spoke to Ayesha, leasing agent,

25   and provided the results on consumer's

Page 135

```
 1    dispute"; do you see that?
 2         A.    Yes.
 3         Q.    Did Ayesha ever mention to you that
 4    she had actually been contacted directly by
 5    RealPage?
 6         A.    No.
 7         Q.    Do you have any basis to dispute
 8    that she was?
 9         A.    No.
10         Q.    The next entry up is also Raymond
11    John.  It says, "Left detailed voicemail to
12    consumer informing the result on his" -- it
13    should say, "Her dispute.  Mentioned that email
14    will be sent shortly."  And this is at 9:18.
15                One of the things to realize, of
16    course, is that RealPage is in Texas, so they
17    are an hour behind you.  So we looked at your
18    email earlier where it showed, I think, a 10:24
19    or something.  So that should be 9:24 for
20    RealPage?
21         A.    Yes.
22         Q.    Do you recall getting a voicemail
23    from anyone at RealPage?
24         A.    No, I don't recall.
25         Q.    All right.  Let's look towards the
```

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1   back of this document, second to the last page.

2   You see towards the bottom there is

3   an email from

4   consumer.relations@Leasingdesk.com, and it's to

5   mariettaroad@tmo.com. Do you see that towards

6   the bottom?

7   A.   Yes.

8   Q.   Did you ever email anything to

9   Marietta Road, did you communicate to them at

10   all by email?

11   A.   I don't remember communicating by

12   email.

13   Q.   Do you if this is Marietta Road's

14   email address? I mean, is that an email that

15   you have used before at all?

16   A.   I don't know. I couldn't say that

17   it's not.

18   Q.   Okay. That's fine. You just don't

19   know one way or the other.

20   Does this appear to you to be an

21   email from LeasingDesk to Marietta Road?

22   A.   Yes.

23   Q.   And it is saying that, "Based on

24   our investigation, we have determined that the

25   records reported do not belong to your

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1   applicant and the records will be removed from

2   the applicant's file"?

3   A.   Yes.

4   Q.   And if you look, flip back to the

5   page immediately before this, you see that

6   there is an email from

7   consumer.relations@leasingdesk.com to

8   facialcleanse13@gmail.com, dated August 29,

9   2017, at 9:24 a.m., and then there is an email

10   exchange below. That's the same email exchange

11   that you printed off from your own email,

12   correct?

13   A.   Where? What?

14   Q.   Look at the bottom of the page. Do

15   you see that there is an email from

16   consumer.relations@leasingdesk.com to

17   facialcleanse13@gmail.com, dated August 29,

18   2017 --

19   A.   Yes.

20   Q.   -- at 9:24 a.m.

21   And this is the same as the email

22   that we looked at that you pulled from your own

23   email inbox at the exact same time that you

24   received from LeasingDesk, correct?

25   A.   Well, I have to see the one that

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```
 1    I --
 2          Q.    Sure.  You can pull it.  It was
 3    previously the exhibit.  I think it would have
 4    been --
 5          A.    Oh, okay.
 6          Q.    Yeah, right there.
 7          A.    Yes.
 8          Q.    Exhibit 9, I believe.  Or is that
 9    Exhibit 8?
10          A.    It's Exhibit 8.
11          Q.    Okay.  So compare Exhibit 8 and the
12    page we are looking at right now on Exhibit 9,
13    and just confirm that those emails are
14    identical in terms of the content and the time
15    that they were sent?
16          A.    They are the same.
17          Q.    So it looks like RealPage is
18    keeping correspondence of communications with
19    you and Marietta Road in connection with your
20    dispute, correct?
21          A.    Yes.
22          Q.    Do you agree with me that after
23    this reinvestigation was completed by RealPage,
24    that you were actually approved for housing at
25    Marietta Road?
```

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1   A.   No, because I was told that I

2   needed to go through the appeal process.

3   Q.   All right. Let's look at another

4   document. Have this marked as Exhibit 10,

5   please.

6   -   -   -   -   -

7   (Thereupon, Deposition Exhibit 10,

8   Document Reflecting Internal Notes

9   of RealPage, Beginning with Bates

10   Label RealPage/Jones 000053, was

11   marked for purposes of

12   identification.)

13   -   -   -   -   -

14   Q.   Ms. Jones, you have in front of you

15   Exhibit 10, just what has been marked as

16   Exhibit 10, Ms. Jones?

17   A.   Yes.

18   Q.   You have it in front of you.

19   Now, I'll represent to you again

20   that this is not a document that I would expect

21   you to be familiar with. It's a document that

22   was produced by my client in connection with

23   this case. So I want to just ask you about

24   some of the contents, to see whether you would

25   agree or not.

                                        Page 140

 1   One thing I want you to look at is

 2   at the very first page, do you see where it has

 3   the primary applicant and your address?

 4   A.   Yes.

 5   Q.   So it has the University Heights

 6   address, correct?

 7   A.   Correct.

 8   Q.   But at the time that you were

 9   lodging your dispute and received the denial

10   letter, that was actually at the Lake Shore

11   address, correct?

12   A.   Correct.

13   Q.   Okay. So did you ever update your

14   address with Marietta Road?

15   A.   Yes.

16   Q.   When did you do that?

17   A.   Let's see. I don't know the exact

18   date, but it had to have been after I moved to

19   the new address.

20   Q.   Okay. Because it looks to me like

21   from this document, there is internal record

22   logging a decision by Marietta Road with a

23   decision date of 10-11-2017, but it still has

24   your address listed as the University Heights

25   address at that point in time.

                                              Page 141

1   Do you have any understanding as to

2   whether they were still mailing you

3   correspondence at the University Heights

4   address?

5   A.   No. And if I could say, if they

6   were, then it should have been forwarded.

7   Q.   Okay. You see at the -- staying on

8   this front page, it says that there is a

9   creation date, looking at the far right-hand

10   column, of 8-15-2017, a modification of August

11   29, 2017, and a decision of October 11, 2017;

12   do you see that column?

13   A.   Yes.

14   Q.   Do you understand that Marietta

15   Road actually approved your application for

16   admission on October 11, 2017?

17   A.   No. I have never seen the letter.

18   Q.   Okay. Let's look at the next page.

19   You see at the top, it says the final decision

20   is approved; do you see that?

21   A.   I see that.

22   Q.   And then towards the bottom, it

23   says decision by Ayesha Beasley; do you see

24   that?

25   A.   Yes.

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1   Q.   So Ayesha here is actually spelled

2   A-Y-E-S-H-A.

3   A.   Okay.

4   Q.   Do you see that? I know we have

5   been saying, I think, A-I-S-H-A.

6   A.   Yes.

7   Q.   Do you know if her name is actually

8   spelled this way, or were you just doing it

9   phonetically?

10   A.   I didn't know exactly how her name

11   was spelled.

12   Q.   No worries. But do you know if

13   Ayesha that you were speaking to, was that

14   Ayesha Beasley; did you know her last name?

15   A.   I didn't know her last name, but

16   I'm sure that it's the same person.

17   Q.   And you see this document appears

18   to reflect a decision by Ayesha Beasley on

19   October 10, 2017 approving the application; do

20   you see that?

21   A.   I see that.

22   Q.   But your testimony is that you

23   weren't informed of this approval or didn't

24   know -- if it happened, you weren't aware of

25   it?

                                        Page 143

1   A.   I have never seen anything in

2   writing.

3   Q.   Okay. If you look at the next

4   page, it's got an archive of some letters that

5   were being sent out. And one at the top, it

6   says approval letter dated October 10, 2017,

7   with a user of Ayesha Beasley; do you see that?

8   A.   I see that.

9   Q.   But you don't recall ever receiving

10   an approval letter?

11   A.   I never received an approval

12   letter.

13   Q.   Is it possible the approval letter

14   went to the University Heights, Ohio address?

15   A.   Well, again, if it did, it would

16   have been forwarded.

17   Q.   Okay.

18   A.   And she had my new address.

19   Q.   All right. If you look at the next

20   page, the last page of this document, you see

21   it's got a series of notes here reflecting an

22   application being submitted, an application

23   being denied on August 21, 2017, a consumer

24   dispute being filed with -- it looks like it's

25   cut off, but the dispute results.

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1   There is a reversal of a final

2   decision on August 29, an application being

3   approved as of October 10 -- or excuse me,

4   October 11, 2017; do you see that?

5   A.   Yes.

6   Q.   Okay. And it's your testimony that

7   you weren't aware of the results of the dispute

8   being submitted to Marietta or the approval of

9   your application by Marietta?

10   A.   My testimony is that I didn't

11   receive any of this, and I did say that they

12   should have been the ones to submit the

13   information that showed that I did not commit

14   those crimes.

15   Q.   When you say "they," are you

16   talking about RealPage?

17   A.   Yes.

18   Q.   But you don't have a basis to

19   dispute that RealPage did not do that in this

20   case?

21   A.   No.

22   Q.   Okay. Let's put that aside.

23   Apart from the communication we

24   have seen where RealPage responded to you on

25   August 29 of 2017, we looked at another email

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```
 1    from you a couple days later seeking to confirm

 2    that the records had been removed.

 3              Did you have any other

 4    correspondence with RealPage specifically about

 5    the dispute that you recall?

 6         A.    No.  Once I requested that

 7    information to show that it had been

 8    removed -- now, what they did do, I think they

 9    sent me a copy of my credit record from

10    Cleveland, Ohio.  They didn't send anything

11    from Atlanta.

12         Q.    Okay.  Let's take a look at another

13    document.

14              MR. ST. GEORGE:  Let's mark it as

15    Exhibit 11, please.

16                   -  -  -  -  -

17              (Thereupon, Deposition Exhibit 11,

18              Letter Dated September 11, 2017,

19              Beginning with Bates Label

20              RealPage/Jones 000046, was marked

21              for purposes of identification.)

22                   -  -  -  -  -

23         Q.    Ms. Jones, do you have Exhibit 11

24    in front of you?

25         A.    Yes.
```

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1   Q.   And this is a document that my
2   client produced in this case, but do you
3   recognize it?
4   A.   Yes.
5   Q.   And what is it?
6   A.   The entire?
7   Q.   Yes, the entire document.
8   A.   There is a letter from RealPage
9   telling me that -- regarding to my consumer
10   file, and there is information with regard to
11   inquiries and disclosures, summaries of the
12   Fair Credit Reporting Act, and the third page
13   shows the different consumer files that they
14   use, which is Experian, Equifax, and
15   TransUnion, and then the last page is a copy
16   with regard to the incident for me in Ohio.
17   Q.   Okay. Looking at the very first
18   page of the document, is this a letter then
19   that you would have received from RealPage in
20   response to your request to see a copy of your
21   file?
22   A.   Well, this isn't what I requested.
23   This is just something that is on the Cuyahoga
24   County docket, where I could pull this up
25   myself.

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 1                    What I was requesting was something

 2    to show that the derogatory information

 3    pertaining to a criminal report was no longer.

 4         Q.    Okay.  So square one, is this a

 5    letter that you received from RealPage?

 6         A.    Yes.

 7         Q.    And looking at the front, it looks

 8    like they were sending it to your University

 9    Heights, Ohio address.  You weren't living at

10    that address at that point in time?

11         A.    No.

12         Q.    All right.  Let's look at the third

13    page of this document -- excuse me, the last

14    page of the document, RealPage/Jones 49.

15         A.    Yes.

16         Q.    It says it's a file copy.

17    Essentially, a copy of your file; is that what

18    you understood?

19         A.    Yes.

20         Q.    And if you look, there is some

21    criminal information reflected here in your

22    file, and it's got some criminal information

23    for offenses from Ohio, Cuyahoga.  It looks

24    like one is a stop sign, one is tinted windows,

25    one is a housing offense, and the other one is
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1   for a fender and backup light; do you see

2   those?

3   A.   Yes.

4   Q.   Do you recall those offenses?

5   A.   Yes.

6   Q.   And all of those offenses are

7   attributable to you; is that right?

8   A.   Yes.

9   Q.   And they look like things like

10   traffic violations, and there is that one

11   housing offense that we mentioned earlier,

12   right?

13   A.   Yeah. The tinted window, I bought

14   a vehicle, a little get-around car, and the

15   windows were tinted when I purchased the

16   vehicle. So, of course, I got the tint off of

17   there.

18   And then the housing, I bought a

19   house, and there were some point-of-sale

20   violations. I had some of the violations done,

21   but some I hadn't completed those. So in

22   Cleveland Heights, you know, you have to go to

23   court if you hadn't completed them in the

24   allotted amount of time.

25   So I had to pay $100 fine, and then

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1   I had to get a contractor out there

2   immediately, and he fixed everything, and then

3   they sent the inspector out, and everything was

4   completed.

5   Q.   Okay.

6   A.   On the third one, where it says

7   cowl fender and backup lights, there was an

8   electrical problem with my vehicle, and I was

9   coming from work, and the back lights were out,

10   and I didn't know.

11   And then the police pulled me over

12   on the highway and said, did you know your

13   rear -- your backup lights, or whatever, was

14   not working. So I had to go right away the

15   next day and get the car repaired and take the

16   receipt to them, to city hall.

17   Q.   Okay. You would agree with me that

18   the drug offense from Georgia does not show up

19   in your file as of September 4, 2017; do you

20   see that?

21   A.   I agree.

22   Q.   And did you understand that that

23   offense had been removed from your file as of

24   this date when you received this letter from

25   RealPage?

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1   A.   No.

2   Q.   Why not?

3   A.   Because, again, this is something

4   that I could access even prior to the incident

5   with RealPage. So this is already -- this was

6   already here, this information. This is not

7   something that -- something new that they

8   generated.

9   Q.   Right. So this is the information

10   that RealPage is saying that it has about you

11   in their file, right?

12   A.   In the State of Ohio, yes.

13   Q.   Oh, so you understood that this was

14   limited to the State of Ohio; is that what you

15   are saying?

16   A.   This is, yeah. It didn't show

17   anything that was cleared up in the State of

18   Georgia.

19   Q.   I see. Okay. So I understand

20   that.

21   So you believe at the time you got

22   this letter, this was simply RealPage telling

23   you what they had -- the information they had

24   on you in Ohio, but you didn't read it as the

25   fact that the Georgia record had been cleared

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1   off your record?

2   A.   Correct.

3   Q.   All right. Even though, if you

4   look at the first page of the document, the

5   cover letter, it say, "Enclosed is a copy of

6   the consumer file in response to your request

7   for all information in the LeasingDesk

8   Screening file associated with you."

9   So even with that, you didn't

10 understand that this reflected that as of this

11 point in time, the Georgia record was no longer

12 in your file?

13   A.   No, because I actually have this

14 myself.

15   Q.   What do you mean, you have this

16 yourself?

17   A.   Well, I did a bureau on myself, and

18 this is what I received years ago.

19   Q.   What do you mean, you did a bureau?

20 Are you talking about like you did a free

21 credit report or something like that?

22   A.   Yeah. And this has been here, this

23 exact same information, for some time.

24   So what I'm saying is that this is

25 just something that they accessed that's

Page 152

1   already there pertaining to Ohio. It

2   doesn't -- in my mind, it doesn't satisfy that

3   if I were to try and attempt to move to

4   Georgia, that that same information is not

5   still out there.

6   Q.   Okay. All right. Let me show you

7   another document.

8   MR. ST. GEORGE: Mark this as

9   Exhibit 12, please.

10   -   -   -   -   -

11   (Thereupon, Deposition Exhibit 12,

12   September 5, 2017 Email,

13   RealPage/Jones 000050, was marked

14   for purposes of identification.)

15   -   -   -   -   -

16   Q.   Ms. Jones, you have in front of you

17   what has been marked as Exhibit 12. You have

18   the document in front of you, Ms. Jones?

19   A.   Yes.

20   Q.   Do you recognize this document? Do

21   you recognize this document?

22   A.   Yes.

23   Q.   What do you understand it to be?

24   A.   I understand it to be

25   correspondence between me and RealPage via

Page 153

1   email.

2   Q.   Okay. So the first email is dated

3   September 4, 2017, and it is saying, "A copy of

4   the consumer file that LeasingDesk maintains on

5   you is attached to this email," and there is an

6   attachment. And we previously looked at a

7   letter dated September 4, 2017 from LeasingDesk

8   in Exhibit 11, right?

9   A.   Yes.

10   Q.   So is that what was attached to

11 this email to you on September 4, 2017?

12   A.   Well, no. What had happened, I

13 have what you call -- well, Experian, where

14 someone does a credit report of anything, I'll

15 get an email alert.

16   Q.   You have credit monitoring?

17   A.   Yeah. So I have credit monitoring.

18 So that's how I knew that they had did this

19 again. I was upset, because that would be the

20 third time that they pulled a credit.

21   Q.   So I think there is a little bit of

22 a misunderstanding here. I want to ask a basic

23 question.

24   So the first email -- so put aside

25 your email of September 5. The first email

Page 154

1   reflected on this document is on September 4,

2   2017 from Consumer Relations to you, correct?

3   A.   Yes.

4   Q.   And then you ultimately replied to

5   that email on September 5; do you see that?

6   A.   Yes.

7   Q.   So just looking at the September 4

8   email, they are saying that they are attaching

9   a copy of the consumer file that LeasingDesk

10   Screening maintains on you; do you see that?

11   A.   Yes.

12   Q.   So the only question I'm asking

13   right now is, is what we looked at in Exhibit

14   11, is that what was attached to this email

15   that's reflected on Exhibit 12?

16   A.   Yes.

17   Q.   All right. So then you respond and

18   you say, "So let me get this straight, you guys

19   pulled another credit report? If so, I will

20   get an alert any day now. If you did, why did

21   you, as you just pulled it in August"; do you

22   see that?

23   A.   Yes.

24   Q.   So did you ever get any alert that

25   there had actually been any credit pulled?

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1   A.   Yes.

2   Q.   When did you get that alert?

3   A.   I think it was sometime in -- well,

4   there were three, actually. There was one by a

5   company called Onsite, which is affiliated with

6   RealPage; and then LeasingDesk; and then this

7   one here.

8   Q.   Okay. And when were those, do you

9   recall?

10   A.   I know two of them were in August,

11   and this may be in August or September, but

12   there were a total of three.

13   Q.   And you say you got that from

14   Experian?

15   A.   Yes.

16   Q.   This email that I'm looking at

17   dated September 5 of 2017, I'll represent to

18   you that RealPage doesn't have in its archives

19   any further communications with you after this

20   date, the September 5 date.

21   Did you contact RealPage at any

22   time after September 5, 2017?

23   A.   I did, around between September 5

24   and September 6, asking them for documentation

25   that they removed the information from my file

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1   in Atlanta.

2   Q.   Was that the email we looked at

3   earlier that you are referencing?

4   A.   Well, I contacted them by phone a

5   couple of times too.

6   Q.   Okay. So I guess what I'm asking,

7   is there anything further in writing that you

8   ever sent to RealPage after September 5, 2017?

9   A.   No. I don't recall sending them

10   anything else.

11   Q.   And you didn't have any further

12   communications with anyone at Marietta Road

13   after October of 2017, correct?

14   A.   No.

15   Q.   And you mentioned that you found

16   Francis & Mailman online when you were checking

17   on the FTC complaint that you had filed?

18   A.   Yes.

19   Q.   Okay. And do you recall when that

20   was, what month and year you were checking on

21   the FTC complaint and you found Francis &

22   Mailman?

23   A.   I want to say October of 2018,

24   because the accident was in June, and I was

25   just out of it for a few months with

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1   everything. I had missed doctors appointments.

2   And so at that point, I was still

3   in bed, and I just started taking care of my

4   business at that point, and I hadn't heard from

5   Marietta, so I said, okay, they're not going to

6   rent the apartment. So I was going to reach

7   out to the FTC to see what they were doing on

8   my behalf, and that's how I found Francis &

9   Mailman.

10   Q.   And why didn't you reach back out

11   to Marietta during that period?

12   A.   Well, time had gone by, so I just

13   assumed at that point they weren't interested

14   in me being a tenant. I had a lot on my mind

15   at the time. I had moved into the other

16   apartment. There was just a lot going on.

17   And I just didn't want to fight

18   with them anymore. I didn't want to argue. I

19   didn't want to debate with RealPage or

20   Marietta, because I had just gone through

21   something traumatic, and I just didn't want to

22   debate with them anymore.

23   Q.   Are you still looking to rent an

24   apartment in Georgia?

25   A.   Well, to be honest, they are kind

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 1     of mean acting.  I don't know that if I moved
 2     there, that there would be a cordial
 3     relationship.
 4          Q.     When you say "they," you are
 5     talking about Marietta Road?
 6          A.     Yes.  I'm not sure that, at this
 7     point, that -- because I know that I was upset
 8     and Ayesha, she didn't appreciate me following
 9     through with this whole thing.  So it's just, I
10     won't say bad blood, but I don't think that
11     there would be a good relationship.
12          Q.     So you are not interested in living
13     in the Marietta Road complex?
14          A.     No.
15          Q.     And was that bad blood, did that
16     leave a bad taste in your mouth, or however you
17     want to characterize it, was that because you
18     had that, sort of, contentious phone call that
19     you described with Ayesha in October of 2017;
20     is that where you got that impression?
21          A.     Once the letter came out, it just
22     felt like I was hurried off the phone.  I
23     was -- I felt that they just didn't believe me,
24     and they just didn't want me as a tenant.
25          Q.     And so --
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1   A.   It just didn't -- when I first did

2   this, started the process, they were nice and

3   kind. But, you know, it just felt like, you

4   know, maybe she felt I was taking it too far or

5   something, and she didn't appreciate that, and

6   that's the impression that I get.

7   Q.   So the impression that you got that

8   they didn't want you there, that was, in your

9   opinion, formed when you were having the

10   conversations in the end of August of 2017; is

11   that right?

12   A.   Yes.

13   Q.   And at that point, you essentially

14   decided that if they -- you felt like they

15   didn't want you to live there, so you wouldn't

16   want to live there either?

17   A.   No. I still wanted to live there

18   back in August. That's why I went through all

19   of this too.

20   Q.   Okay. So when did you decide

21   then -- when did it reach a point in your mind

22   where you felt like you didn't want to live

23   there, based on how you felt like you were

24   being treated by Marietta?

25   A.   In 2018, after the accident.

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1   Q.   What month is that, 2018 after the

2 accident?

3   A.   The accident was in June.

4   Q.   Why did you reach that point in

5 2018 after the accident if you hadn't had

6 communications with them since October of 2017?

7   A.   Well, I had it in my mind that she

8 was offensive, but I went through something

9 traumatic, and I just didn't want to argue

10 about it anymore.

11   Q.   Okay.

12   A.   They didn't follow up with me,

13 another year had gone by, I didn't hear

14 anything, and then the accident happened, and I

15 just was out of it. It just -- I just didn't

16 want to deal with anything, more drama or

17 anything traumatic.

18   Q.   Okay.

19   A.   Because I felt if they -- I mean,

20 if I'm still -- if they are still going to do

21 that, then they would send me a letter.

22   Q.   Has your desire to move to Georgia

23 changed; do you now want to be in Ohio?

24   A.   I still want to move to Georgia,

25 but I don't think that that particular

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 1    situation would be best for me right now.
 2          Q.    So you still want to move to
 3    Georgia, but you don't feel like moving to the
 4    Marietta complex would be your preference at
 5    this point?
 6          A.    Correct.
 7          Q.    So what efforts have you taken then
 8    to find anywhere else in Georgia, have you done
 9    anything?
10          A.    Well, I've been online looking
11    around.  It's not anything like that, but I've
12    just been clicking around looking, because I
13    still want to get away -- get away from some of
14    the memories.
15          Q.    Okay.  So you have done some
16    internet research, but you haven't actually
17    applied anywhere else, correct?
18          A.    Correct.
19          Q.    And you are currently on a
20    month-to-month lease, correct?
21          A.    Correct.
22          Q.    So if you found somewhere in
23    Georgia, you would be able to move there
24    without incurring additional rent --
25          A.    Yes.
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1   Q.   -- beyond a particular month,

2   right?

3   A.   Yes.

4   Q.   Are you only interested in looking

5   at subsidized apartments, or would you be

6   interested in a market-rate apartment in

7   Georgia?

8   A.   I would be interested in a

9   market-rate apartment.

10   Q.   Apart from the documents that you

11   looked at today, are there any other

12   communications in writing that you have had

13   with either RealPage or Marietta?

14   A.   No.

15   Q.   Any other communications? Put

16   aside anything you sent to your lawyers, I'm

17   not interested in that. Any communications you

18   have had with anyone else, friends or family or

19   anything like that, about the denial of

20   Marietta?

21   A.   Well, immediately when I got the

22   original letter, I called my daughter. She was

23   at work, and she couldn't talk right away, but

24   she knows that something -- she felt something

25   was wrong, because I wouldn't bother her when I

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 1     knew she was at work.

 2               So when she had the opportunity to

 3     call me back, I did tell her that they said

 4     that I had a criminal record, and I was upset

 5     about it.

 6          Q.    Okay.  Anyone else you have spoken

 7     to about this case, besides your daughter?

 8          A.    No.

 9               MR. ST. GEORGE:  Let's look at

10     another document.

11                    -  -  -  -  -

12               (Thereupon, Deposition Exhibit 13,

13               Plaintiff's Objections and Responses

14               to Defendant's First Set of

15               Interrogatories to Plaintiff Diane

16               D. Jones, was marked for purposes of

17               identification.)

18                    -  -  -  -  -

19          Q.    All right.  Ms. Jones, do you have

20     in front of you what has been marked as Exhibit

21     13?

22          A.    Yes.

23          Q.    And do you recognize this document?

24          A.    Yes.

25          Q.    What do you understand it to be?
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1   A.   Objections and interrogatories.

2   Q.   Okay. And what are those; do you

3   know?

4   A.   Well, it's just a list of questions

5   that you may or may not ask.

6   Q.   Okay. So I'll represent to you

7   that these are some questions that we served on

8   your attorneys, and these are the responses

9   that we got back.

10   A.   Okay.

11   Q.   Can I just have you look at the

12   very last page of the document -- well,

13   actually, it's probably the second to the last

14   page. Do you see where it says Verification.

15   Sorry. Maybe go to the last page. I think

16   this is maybe a double-sided document.

17   A.   Yeah.

18   Q.   Do you see where it says

19   Verification?

20   A.   Yes.

21   Q.   And you say, "I declare under the

22   penalty of perjury that the foregoing is true

23   and correct"?

24   A.   Yes.

25   Q.   Sorry. "The foregoing is true and

Page 165

 1   correct."   Is that your signature?

 2   A.   Yes.

 3   Q.   So I want to ask you about some

 4   questions, some of the responses to a few of

 5   these questions.

 6   A.   Okay.

 7   Q.   And you see it says, if you look,

 8   for instance, at the -- go to the third page.

 9   It says Specific Objections and Responses. Do

10   you see where it says interrogatory number 1 at

11   the top, in bold, interrogatory number 1?

12   A.   Yes.

13   Q.   So these are in numerical order, so

14   I want to ask you just about a couple of these.

15   If I could have you turn to

16   interrogatory number 3, which is on the very

17   next page. And it say, "Describe specifically

18   any communications between plaintiff or

19   plaintiff's representative or agent and

20   Marietta relating to plaintiff's application

21   for housing." Do you see that at the top?

22   Sorry. It's on the back or -- it's

23   got page 4 at the bottom. Excuse me, page

24   number 4. Sorry for this being double sided.

25   It makes it a little more complicated.

                                       Page 166

1   So let me just ask that again. You

2   are now at the right page. It says,

3   interrogatory number 3, "Describe specifically

4   any communications between plaintiff or

5   plaintiff's representative or agent and

6   Marietta related to plaintiff's application for

7   housing"; do you see that?

8   A.   Yes.

9   Q.   And then there is a series of

10   communications that you list here describing

11   your communications with Marietta; do you see

12   that?

13   A.   Yes.

14   Q.   The very last one, if you look at

15   the very last communication on page 6, so go

16   forward to page 6, please.

17   So it says, "In April 2018,

18   plaintiff called Marietta because she had not

19   heard anything further. Plaintiff was informed

20   that there were still no units available"; do

21   you see that?

22   A.   Yes.

23   Q.   So you testified earlier that you

24   didn't have any communications with Marietta

25   after October of 2017. So is this correct, or

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1   was your testimony today correct?

2   A.   This is correct.

3   Q.   Okay. So you are now saying that

4   you did have a further conversation with

5   Marietta in April of 2018?

6   A.   It was just a brief -- I had

7   forgotten about this.

8   Q.   It's okay. I'm not trying to call

9   you a liar.

10   A.   No, no. I'm sorry.

11   Q.   No, it's fine. I'm just asking to

12   clarify the testimony, make sure I understand

13   it.

14   So tell me about that conversation?

15   A.   It was real brief. I called and

16   asked if there was an apartment available, and

17   she said that there wasn't.

18   I had just forgotten about that,

19   because again, after June, things were a little

20   fuzzy, but I did inquire. They didn't contact

21   me, so I did, yes. I did contact them before

22   June, before the accident.

23   Q.   And when you say "she," are you

24   speaking of Ayesha?

25   A.   I'm speaking of Ayesha. I'm sorry.

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 1   I just forgot about that.

 2   Q.   That's okay. All right.

 3   Let's look at -- well, let me ask

 4   you about one more thing. If you can go back

 5   to page 5.

 6   A.   Yes.

 7   Q.   You reference an appeal request in

 8   the last bullet point. Do you see where it

 9   says, "In late October 2017, plaintiff called

10   Marietta back because she had not received any

11   further response to her appeal request"; do you

12   see that?

13   It's toward the very bottom. It's

14   the last bullet point. It says, "In late

15   October 2017, plaintiff called Marietta back

16   because she had not received any further

17   response to her appeal request."

18   When you say "appeal request," are

19   you referring to the fax that you sent in?

20   A.   Yes. She said that there would be

21   a procedure. She sent me that -- she sent that

22   via mail, I completed it and faxed it back, and

23   I was waiting on the appeal process to be

24   completed, but I never got the process.

25   Q.   Okay. I just want to make sure we

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 1    are talking about the same document.
 2                 Let's go to interrogatory number
 3    11.   So if you can go to page 10 of this
 4    document.   Are you there, Ms. Jones?
 5         A.    Yes.
 6         Q.    The interrogatory 11 says, "State
 7    specifically all actions that plaintiff or
 8    plaintiff's representative or agent took to
 9    investigate or correct any allegedly inaccurate
10    information in the consumer report generated by
11    RealPage, as well as the outcome of those
12    actions"; do you see that?
13         A.    Can you tell me where that is
14    again?
15         Q.    Sure.  On page 10.
16         A.    Oh, I'm on 11.
17         Q.    Go back to interrogatory 11.
18         A.    Yes.
19         Q.    It says, "State specifically all
20    actions that plaintiff or plaintiff's
21    representative or agent took to investigate or
22    correct any allegedly inaccurate information in
23    the consumer report generated by RealPage, as
24    well as the outcome of those actions"; do you
25    see that?
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1   A.   Yes.

2   Q.   I want to ask you about just a

3   couple of entries on this. Can you look on

4   page 11. It say, "On August 28, 2017," this is

5   towards the middle of the page, "plaintiff

6   submitted a complaint regarding defendant's

7   inaccurate reporting to the Consumer Financial

8   Protection Bureau"; do you see that?

9   A.   Yes.

10   Q.   Now, you've mentioned the FTC. Is

11   that the same thing, are you talking about the

12   same complaint, or did you file a separate

13   complaint with the Consumer Financial

14   Protection Bureau?

15   A.   I just filed one complaint.

16   Q.   Okay. All right. Were there ever

17   any occasions where you contacted RealPage and

18   RealPage did not respond back to you?

19   A.   Well, they didn't respond with

20   information showing that they had removed that

21   information.

22   Q.   Okay. And is that because when we

23   were looking at that document that was your

24   consumer file that they sent to you, that is

25   because you understood that was only relating

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1   to Ohio; is that right?

2   A.   That's correct.

3   Q.   Okay.

4   A.   Because I had that same document.

5   Q.   Okay. So any other times when they

6   didn't -- RealPage did not respond to you,

7   apart from that request?

8   A.   Well, they didn't allow me to speak

9   with a supervisor.

10   Q.   Okay. Anything else?

11   A.   Not that I recall right now.

12   Q.   If I could have you look at

13   interrogatory 14. It is actually on the top of

14   page 14.

15   Interrogatory 14 says, "Describe

16   specifically all of plaintiff's housing

17   applications made in the last three years"; do

18   you see that?

19   A.   Yes.

20   Q.   So we have gone through your

21   housing history from the last three years. It

22   included where you were renting with your

23   daughter and granddaughter --

24   A.   Yes.

25   Q.   -- in the house.

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1   There was the University Heights

2   apartment by yourself, correct?

3   A.   No.

4   Q.   Or that was with your daughter?

5   A.   Yes.

6   Q.   I apologize.

7   A.   It was a house.

8   Q.   So you had the house with your

9   daughter at University Heights, you had the

10   Lake Shore apartment, and then you have your

11   current address in Euclid, Ohio?

12   A.   Yes.

13   Q.   And did you apply to any other

14   complexes within that period?

15   A.   I don't recall applying to anything

16   else.

17   Q.   And given that you were living in

18   all these places, you were accepted?

19   A.   Yes.

20   Q.   All right. You can put that

21   exhibit aside.

22   - - - - -

23   (Thereupon, Deposition Exhibit 14,

24   Plaintiff Diane D. Jones's Responses

25   to Defendant's First Set of Requests

                                            Page 173

1   for Admissions, was marked for

2   purposes of identification.)

3   -   -   -   -   -

4   Q.   All right, Ms. Jones. You have

5   Exhibit 14 in front of you.

6   A.   Yes.

7   Q.   Okay. Can you hand that back to me

8   for just one second. I want to make sure you

9   don't have my copy. If so, we will just switch

10   the exhibit numbers. Yeah. Sorry about that.

11   I handed you a copy with some highlighting on

12   it. I'll remove the exhibit sticker. I'll

13   hand you that back.

14   I apologize. I don't remember if

15   you answered. Do you recognize this document?

16   A.   Yes.

17   Q.   What do you understand it to be?

18   A.   A request for admissions.

19   Q.   Okay. Well, I'll just represent to

20   you that this is some questions, requests for

21   admissions, that we served on your attorneys,

22   and these are the responses that we got back.

23   So I want to ask you about some of

24   the responses that we received and get your

25   understanding of them, okay?

                                      Page 174

1   A.   Yes.

2   Q.   All right. Let's look at request

3   for admission number 6, which is on page 4.

4   And you see where it says, it starts, "Admit

5   that plaintiff did not incur any out-of-pocket

6   expenses as a result of any alleged inaccurate

7   information that RealPage included in a tenant

8   screening report for housing in Marietta"; do

9   you see that?

10   A.   Yes.

11   Q.   And then it says, "Plaintiff was

12   forced to pay substantially more in rent as a

13   result of defendant's inaccurate reporting.

14   Plaintiff was paying $610 per month in rent in

15   August of 2017, and expected her rent at

16   Marietta to be approximately $280 per month";

17   do you see that?

18   A.   Yes.

19   Q.   What was the basis for your

20   expectation that the rent would have been $280

21   per month?

22   A.   Well, they have -- they send a

23   document, and they go by your income.

24   Q.   Okay.

25   A.   So it's a 30 percent percentage of

Page 175

1   your income.

2   Q.   Okay. So it was based on the

3   amount of income that you had at the moment,

4   you understood that there would be a formula,

5   and that would make your rent $280,

6   approximately, per month?

7   A.   Yes.

8   Q.   Let's look at -- well, let me ask

9   you another question.

10   Did you ever have anyone at

11   Marietta confirm that it would be $280, or was

12   that just your own calculation?

13   A.   No. That was -- they would do that

14   in writing.

15   Q.   Did they do that in writing?

16   A.   Yes. And actually when you go

17   online and apply for the application, it's all

18   on there.

19   Q.   Okay. You would agree with me

20   that, based on the documents that we have seen

21   today, it appears that RealPage processed your

22   dispute and sent corrected information to

23   Marietta within approximately one day, correct?

24   A.   According to this document, yes.

25   Q.   Right. So this -- in this case,

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 1     you claim essentially that RealPage's

 2     procedures for reporting information are not

 3     reasonable and not adequate; is that fair?

 4               MS. BRENNAN:  Objection to the

 5     form.  Go ahead and answer.

 6          A.    That's fair.

 7          Q.    Okay.  So but you would also agree

 8     with me that you and others have an interest in

 9     living in communities where complexes do

10     criminal record background screening to keep

11     people safe, correct?

12          A.    Correct.

13          Q.    So what balance should a company

14     like RealPage strike when doing screening, and

15     by that I mean, what level of certainty should

16     they have before they report a record for

17     someone?  Would you require, for instance, a

18     matching Social Security Number or driver's

19     license number?

20               MS. BRENNAN:  Objection to the

21     form.  Go ahead and answer.

22          A.    Yes.

23          Q.    Other than that, you would regard

24     there simply being too much possibility for

25     error?
```

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1   A.   Yes.

2   Q.   If you required something like a

3   Social Security Number or a driver's license

4   number, wouldn't you be concerned that perhaps

5   some people would be missed, and by that we

6   wouldn't locate criminal records for people

7   that have them?

8   MS. BRENNAN: Objection to the

9   form. You can answer.

10   A.   No.

11   Q.   Why not?

12   A.   Well, in my experience, your Social

13   Security Number just gives so much information.

14   Once they run your bureau, they could -- I

15   mean, once they run a background check on you,

16   specifically you, then they should have all the

17   information that they need.

18   Q.   So do you know, for instance,

19   whether the Social Security Number of criminal

20   record offenders is made available by court

21   systems in Georgia; do you know?

22   A.   I don't know.

23   Q.   You don't know if you could go and

24   pull someone's file and see a Social Security

25   Number in that file or not?

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1   A.   Well, in the State of Ohio, you

2   can, but I don't know in Georgia.

3   Q.   And what's your basis for saying

4   that in the State of Ohio you can do that?

5   A.   Well, one apartment that I moved

6   in, they had my date of birth, Social Security

7   Number, and driver's license number and did a

8   background check, and they saw I wasn't a

9   criminal, so I was accepted.

10   Q.   Right. So I guess what I'm asking

11   is, if you are going to find -- if you are

12   going to find out whether someone has a

13   criminal record in their past, you need to

14   conduct a search of court jurisdictions, right,

15   to see if there are any criminal records for

16   that person?

17   MS. BRENNAN: Objection to the

18   form. Go ahead and answer, if you know.

19   Q.   Is that right?

20   A.   Yes.

21   Q.   So it's your testimony that in

22   order to determine whether or not -- I mean, a

23   Diane Jones, there are probably other Diane

24   Jones criminal offenders out there somewhere in

25   this nation of 330 million people, right?

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 1                    So is it your testimony that if I
 2      came across a criminal case in Georgia with a
 3      Diane Jones and your date of birth, that I
 4      would need a Social Security Number on that
 5      criminal report that I could then compare to
 6      your Social Security Number?
 7                    MS. BRENNAN:  Objection to the
 8      form.  Go ahead and answer, if you understand.
 9           A.    Yes.  If I could add to that?
10           Q.    Sure.
11           A.    Diane Jones is a common name, but
12      Social Security Number is just you, related to
13      you.
14           Q.    Right.
15           A.    So if their software did pick up
16      another Diane Jones and she was a criminal,
17      maybe, just maybe they could maybe
18      contact -- even if they don't want to contact
19      me directly, contact a management company they
20      are selling the information to and say, hey,
21      look, we have this information on this young
22      lady, we need to -- we need more information to
23      verify if this is her.  Diane Jones is a common
24      name, but we need to make sure if this is her
25      or not.  And they did have my Social Security
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1   Number.

2   Q.   So they should have used the Social

3   Security Number to compare it to the Social

4   Security Number in the Court record?

5   A.   Yes, and I wouldn't mind that,

6   because they used it three times anyway.

7   Q.   So as a practical matter, wouldn't

8   you agree that either doing that on the front

9   end or resolving a dispute within a day

10   essentially gets you to the same place?

11   MS. BRENNAN: Objection to the

12   form. Go ahead and answer.

13   A.   No, because even if they did that

14   and cleared it up, it just doesn't take away

15   the fact that there is a bad report out here.

16   I shouldn't have to get all upset and losing my

17   breath because they made a mistake.

18   And it's not just me. They are

19   making the same mistake over and over and over

20   again and for years. Like maybe from 2012 to

21   right now, to this day, it is just not

22   corrected, and it's just not a fair process.

23   Not just to me, but for a lot of people.

24   Q.   What percentage of RealPage's

25   reports do you claim are inaccurate?

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1   MS. BRENNAN: Objection. Lack of

2   foundation. Go ahead and answer, if you know.

3   A.   Well, I don't know exactly how

4   many, but I know that when I had a problem and

5   when I tried to get information about RealPage,

6   there were people on there complaining that

7   they had been made homeless because of this and

8   maybe even lost a job because of it.

9   So it's just -- it's just kind of

10   disheartening that they -- it just feels like

11   they are telling us, like, well, oh, well, this

12   is our procedure, you have to live with this.

13   We may correct it later, you may not have that

14   apartment, we're sorry, but we thought it was

15   you, we made a mistake.

16   And they say that, but then next

17   year or next month or even the next day, it is

18   happening to someone else.

19   Q.   Okay. So we provided information

20   in discovery in this case that RealPage did

21   about 12 million criminal screenings, more than

22   that even, between 2016 and 2019.

23   How many instances on the internet

24   did you see where people were complaining that

25   RealPage had gotten it wrong?

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1   MS. BRENNAN: Objection. Lack of

2   foundation. Go ahead and answer.

3   A.   I didn't see 1200.

4   Q.   Well, I said 12 million.

5   A.   12 million, I didn't see 12

6   million.

7   Q.   Did you see a handful?

8   A.   Several. I didn't just make it a

9   point to just keep looking for -- to see how

10   many there were. They just, when you go

11   online, it just pops up. So I just can't

12   say -- give you an exact number.

13   Q.   How many times, if you know, has

14   RealPage successfully identified someone with a

15   criminal history that would have represented a

16   danger to an apartment complex?

17   MS. BRENNAN: Objection. Lack of

18   foundation.

19   A.   I don't know.

20   Q.   If you look at -- going back to

21   this exhibit, if you look for request for

22   admission number 11, page 6.

23   A.   Yes.

24   Q.   It says, "Plaintiff admits that" --

25   if you look at the response, "Plaintiff admits

Page 183

1   that she has no personal knowledge of

2   defendant's procedures"; do you see that?

3   A.   Yes.

4   Q.   And that's true?

5   A.   That's true, except for one thing.

6   The last time when you were here, you mentioned

7   something about an algorithm. That's what I

8   know about that.

9   Q.   Okay. And that's the extent of

10   your knowledge?

11   A.   Yes.

12   Q.   And that's not really personal

13   knowledge, I guess; that's something you heard

14   from me, right?

15   A.   Yes.

16   Q.   I'm going to hand you the last

17   exhibit.

18   MR. ST. GEORGE: We are up to 15.

19   - - - - -

20   (Thereupon, Deposition Exhibit 15,

21   October 11, 2019 Email with Second

22   Amended Class Action Complaint

23   Attached to Defendant's First Set of

24   Requests for Admissions, was marked

25   for purposes of identification.)

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 1                    -   -   -   -   -
 2          Q.    Ms. Jones, do you have Exhibit 15
 3   in front of you?
 4          A.    Yes.
 5          Q.    And it's got a number of pages.
 6   I'd ask you to just sort of briefly look
 7   through the document and tell me if you are
 8   familiar with it?
 9                I would note that the document
10   really starts on page 3.  The first is a
11   notification we get from a Court, the first two
12   pages.
13                So just take a second, and then I
14   just want to ask you if you are familiar with
15   this document?
16          A.    No.
17          Q.    Okay.  Have you not seen it before?
18          A.    No, I don't recall seeing this.
19          Q.    Okay.  Well, I'll represent to you
20   that this is a copy of what is called the
21   complaint.  So this is the lawsuit that was
22   filed against RealPage and the current
23   allegations that are made against RealPage by
24   you.  And I want to just ask you about a couple
25   allegations in the complaint.
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1   Do you see that there are numbered

2   paragraphs in this document?

3   A.   Yes.

4   Q.   Okay. So that's how I will refer

5   to this document.

6   So can I have you look at page 4.

7   You see the very top there is paragraph 18?

8   A.   Yes.

9   Q.   It say, "Defendant employs policies

10   and procedures that do not include the use of a

11   number of reasonable identifiers, or even a

12   precise first and last name, and it frequently

13   allowed the information belonging to one

14   consumer to appear in the consumer file of

15   another"; do you see that?

16   A.   Yes.

17   Q.   Do you have an understanding of

18   what is being said in this paragraph?

19   MS. BRENNAN: I'm just going to

20   make an objection. The witness testified that

21   she hasn't seen this document before.

22   Q.   So I'm just asking you, it's in

23   English, I mean, I'm asking you if you have an

24   understanding of what is being alleged in

25   paragraph 18?

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1   MS. BRENNAN: Objection. Lack of

2   foundation. Go ahead and answer, if you

3   understand.

4   A.   It appears that RealPage may be

5   saying that they shouldn't be held accountable,

6   because of the way their procedures are, that

7   they don't have to have an exact match.

8   Q.   Okay. So this is -- just to

9   clarify, these are the allegations that you are

10   making against RealPage. So it's not what

11   RealPage is saying here.

12   Let me just ask about one point

13   here. It says that RealPage's procedures

14   frequently allow information belonging to one

15   consumer to appear in the consumer file of

16   another; do you see that in paragraph 18? It

17   is still at the very top.

18   A.   Yes.

19   Q.   Okay. Do you have any

20   understanding or knowledge about the frequency

21   with which your situation has occurred?

22   MS. BRENNAN: Objection. Lack of

23   foundation. Go ahead and answer, if you can.

24   A.   Well, yes, because, like I said,

25   there are a lot of complaints online where

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1   people have said they were homeless because

2   they couldn't get an apartment or various

3   reasons, and it wasn't -- the criminal report

4   wasn't theirs.

5   Q.   Okay. So your understanding was

6   based on some of the things you saw on the

7   internet; is that right?

8   A.   Well, and then my own situation.

9   Q.   So that's the basis for your

10   understanding of the concept of frequency?

11   A.   Yes.

12   Q.   The next -- look at paragraph 20.

13   It says that, I'm looking at the very last

14   phrase, that "Defendant purposefully," I'll say

15   "prioritizes," even though it says

16   prioritizing. "The defendant purposefully

17   prioritizes quantity over accuracy of matches";

18   do you see that?

19   A.   Yes.

20   Q.   Do you have an understanding of

21   what is being alleged in paragraph 20?

22   A.   Yes.

23   Q.   What is your understanding?

24   A.   I understand that when they do

25   their background checks, they do, like you

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1   said, there is 12 million that you guys -- that

2   they do, but they are not accurate.

3   You are doing a lot of them but --

4   and I understand the reason why they are being

5   done, but a lot of people are being

6   disqualified because of inaccurate matches.

7   Q.   Would you agree that it is a

8   legitimate concern -- it would be concerning if

9   RealPage had an applicant with a criminal

10   history but it didn't report any criminal

11   records for that applicant, it just missed the

12   records; would you agree that that would be a

13   concern?

14   A.   I won't agree, because if they used

15   the correct procedure, then they could match it

16   up with the correct people.

17   Q.   Right. So what I'm saying is,

18   let's take an applicant who has a criminal

19   history.

20   A.   Yes.

21   Q.   So there is no dispute that this

22   person is a drug offender or whatever, you

23   know, they have a criminal history, and

24   RealPage, in responding to the apartment

25   complex's request for a background screening,

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1   misses the existence of a criminal record in

2   that person's background and doesn't report it,

3   so that person moves in.

4   Would you agree that that would be

5   a cause for concern?

6   A.   It would be a concern on the part

7   of RealPage, because it was their inaccuracy.

8   They should have a procedure where they could

9   be more -- what's the word I'm looking for --

10   it would be more accurate.

11   Again, the Social Security Numbers

12   should tell. They shouldn't just use a year of

13   birth. It seems as though that procedure is a

14   problem, because a lot of people are born in

15   1952 or 1961.

16   So if you are matching a date of

17   birth alone, they could still -- it could go

18   either way. They could miss something or they

19   could make accusations against someone else.

20   Q.   Right. So are you saying then, or

21   would you agree that the concept of accuracy

22   includes making sure that people have a

23   criminal -- who do have a criminal past are

24   identified as having a criminal past?

25   A.   People who actually have a criminal

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 1    past should be identified, because everyone

 2    deserves to be safe where they live.

 3          Q.    Okay.  Can I have you turn to the

 4    next page of the complaint.

 5          A.    Yes.

 6          Q.    Paragraph 32, it says, "But by then

 7    it a was" -- typographical area.

 8                Then it says, "But by then it was

 9    too late.  Ms. Jones had already lost the

10    rental opportunity with Interstate Realty"; do

11    you see that?

12          A.    I see that.

13          Q.    Would you agree with me if the

14    documents that we looked at showing that you

15    had actually been approved to rent at Marietta

16    Road are accurate, that this statement in the

17    complaint would be false?

18                MS. BRENNAN:  Objection.  Lack of

19    foundation.  Go ahead and answer, if you can.

20          A.    I would agree with that, if they

21    would -- if I would have had those documents to

22    say that.  I never received that.

23          Q.    Understood.  We would have to find

24    that out from the apartment complex, correct?

25          A.    Yes, and they will tell you they
```

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 1   never sent me anything to say that. I never

 2   saw that.

 3   Q.   I'm not so sure about that, but we

 4   can ask them.

 5   A.   Yes.

 6   Q.   You can put that aside for now.

 7   You testified earlier that it

 8   caused you distress when you learned that you

 9   had been identified as having a criminal

10   history, correct?

11   A.   Yes.

12   Q.   Was that distress significant to

13   you, were you -- it's tough to quantify, but

14   would you regard that distress as something

15   that affected your life?

16   A.   Yes. No one wants to be accused of

17   being a criminal and drugs and all of that,

18   being turned down for something that you didn't

19   do. I was very upset.

20   Q.   Okay. So let's take that distress,

21   and what I just want to find out is did you

22   ever see any medical professionals to address

23   that distress?

24   A.   No. I didn't go to an emergency

25   room or anything.

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1   Q.   Did you take any medications, over

2   the counter or prescriptions?

3   A.   I had a migraine headache, and I

4   did take something for that.

5   Q.   When did you have that migraine?

6   A.   Immediately.

7   Q.   Okay. So what did you take, just

8   some Ibuprofen or something like that?

9   A.   Yes.

10   Q.   And apart from that, the migraine

11   in the immediate aftermath of finding out, did

12   you ever take any other medications or anything

13   that you are aware of?

14   A.   No. I wasn't taking any -- going

15   to keep taking pills, because I was upset and

16   in disarray. You know, I don't think they

17   prescribe anything for an anxiety attack.

18   Q.   Why would you have been so upset if

19   RealPage told you within less than 24 hours

20   that the situation had been corrected and the

21   record had been removed?

22   MS. BRENNAN: Objection to form.

23   Go ahead.

24   A.   When I initially got letter and saw

25   that I was being turned down because of a

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1   criminal report, and then I received a document

2   with a young lady who has committed crimes, and

3   my name is nowhere on that, anyone would be

4   upset.

5   Q.   Right. But I guess what I'm asking

6   you, I mean, were you -- did your distress

7   cease, you know, within 24 hours, when RealPage

8   addressed your dispute and told the apartment

9   complex that the record wasn't yours?

10   A.   No, I was still upset.

11   Q.   Why?

12   A.   Because, just the whole ordeal.

13   Even though it's an algorithm or they have to

14   check people out, had I done those things, I

15   wouldn't have been upset, but I have lived my

16   life without doing any of that. And someone

17   would have to -- you know, I would have the

18   right to be upset and furious.

19   And then when the initial call to

20   RealPage, for them to say, oh, well, you know,

21   we go by your date of birth, as if they are

22   telling me, "Yes, this is you."

23   Q.   Did anyone from RealPage say, "No,

24   we know this is you"?

25   A.   They didn't say, "We know this is

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 1    you," or they didn't say that "It's not you."
 2          Q.     But then they did say it wasn't you
 3    within less than 24 hours, right?
 4          A.     But the damage was already done.
 5          Q.     Well, what damage?
 6          A.     I was furious, I had an anxiety
 7    attack, I was turned down for the apartment.
 8          Q.     And that's assuming that you
 9    weren't actually accepted for the apartment,
10    like the documents show?
11                 MS. BRENNAN:  Objection to the
12    form.  Go ahead.
13          A.     Well, right at that point, all I
14    was looking at was that I was turned down and
15    that you were out here in Atlanta, you have
16    been incarcerated for drug activity.
17          Q.     You would agree that it is
18    important for apartment complexes to screen for
19    drug offenders, to make sure they don't have
20    drug activity going on at the complexes,
21    correct?
22          A.     I agree, but they should do that to
23    the people that actually committed those
24    offenses.
25          Q.     Understood.  Are you able to
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 1    travel?  I know you have got some medical
 2    conditions, but are you able to travel?
 3         A.    If I have to, yes.
 4         Q.    Okay.  Would you be able to travel
 5    to Dallas if needed for this trial?
 6         A.    Yes.
 7         Q.    The trial in this case could last
 8    for a couple weeks.  Would you be able to sit
 9    through a trial lasting a couple of weeks?
10              MS. BRENNAN:  Objection to the
11    form.  Go ahead and answer.
12         A.    Yes.
13         Q.    Okay.  I'm probably almost done.
14    Let me just take five or ten minutes, look
15    through my notes, and then maybe I'll have a
16    couple more questions for you, Ms. Jones.
17              MR. ST. GEORGE:  Why don't we go
18    off the record, take a ten-minute break, and we
19    will be done shortly after that.
20              THE VIDEOGRAPHER:  Off the record.
21              (Recess taken.)
22              THE VIDEOGRAPHER:  We are on the
23    record.  2:35.
24         Q.    Ms. Jones, I just remind you you
25    remain under oath.  Just a couple of questions
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1   for you as we close out here, Ms. Jones.

2   You don't have any allegation that

3   RealPage communicated the criminal record, the

4   Toni Taylor criminal record to anyone other

5   than Marietta Road, correct?

6   A.   I don't know.

7   Q.   You don't have any allegation or

8   knowledge of them reporting it to anyone else,

9   right?

10   A.   No.

11   Q.   The stress that you were

12   describing, you mentioned the migraine and that

13   it was distressing to you, did you change your

14   lifestyle in any way, like did you become less

15   social or anything that you are claiming in

16   that regard in terms of the effects of the

17   stress that you have identified?

18   A.   I wouldn't say I became less

19   social.

20   Q.   Anything else, any lifestyle

21   changes?

22   A.   Less trusting, but I haven't

23   changed my life.

24   Q.   In fact, you still applied to some

25   other apartment complexes and you have gone

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1   through background screening?

2   A.   I did.

3   Q.   Marietta Road, the complex, do you

4   have knowledge of the specific criteria that

5   they used to evaluate applications for housing?

6   A.   Well, they attached -- there is a

7   checklist, and credit, criminal background, a

8   lot of various things, and the only criteria

9   that they checked for me was the criminal

10   background.

11   Q.   Okay. So within that criminal

12   background category, do you know, for instance,

13   whether Marietta has certain types of crimes

14   that they will still allow the person to move

15   in, versus those that they would deem

16   disqualifying?

17   A.   No.

18   Q.   So you don't know whether it's

19   possible that someone with an identified

20   criminal history of a certain type might still

21   be able to get an apartment at Marietta Road?

22   A.   I don't know.

23   Q.   Do you have any idea if the

24   apartment would currently be available, what is

25   the status of the wait list at Marietta at this

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1   point in time?

2   A.   They contacted me and said that

3   they may have something coming up.

4   Q.   When did they contact you?

5   A.   January, it was before the

6   holidays, before Thanksgiving.

7   Q.   So did they reach out to you again

8   in November, approximately, to say they might

9   have something coming up?

10   A.   But they said in order for -- first

11   they had something in November, and then they

12   said -- called back and said they had something

13   in October, and I'd have to move within seven

14   days.

15   Q.   And you weren't willing to do that?

16   A.   I wasn't prepared to just pick up.

17   Even though I'm not on a lease, I just wasn't

18   prepared to pack up within a week.

19   Q.   And you testified you are not

20   really interested in living there at this point

21   in time anyway?

22   A.   No.

23   Q.   Okay. So just to make sure that

24   closes the loop on all these communications,

25   you just identified a new communication with

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```
 1    Marietta Road in October or November of this
 2    past year, correct?
 3             A.    Yes.
 4             Q.    Any other communications that we
 5    have talked about that -- other than the ones
 6    that we have talked about that you had with
 7    Marietta Road?
 8             A.    No.  You had asked me about 2018.
 9             Q.    Okay.  Well, let's take 2019 or
10    2020.  Anything other than what you just
11    describe?
12             A.    No.  It's over.
13             Q.    Do you know if you have to move
14    within -- if their policy is that you have to
15    move in within seven days of being accepted; is
16    that their policy?
17             A.    I don't think that's their policy.
18    That's Ayesha's policy.
19             Q.    It was Ayesha that contacted you?
20             A.    Yes.
21             Q.    Did you talk by phone or by letter?
22             A.    By phone.
23             Q.    And how long did that conversation
24    last?
25             A.    I want to say about 15 minutes,
```

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 1   because she was getting upset. She brought up

 2   the fact that I -- how upset I was initially

 3   when I was turned down. She just started

 4   asking me questions about that incident, and

 5   the conversation didn't go very well.

 6   Q.   All right. If Marietta Road is

 7   contacting you still at the end of 2019 and

 8   asking you if you are able to come and move in,

 9   doesn't that indicate to you that they

10   ultimately accepted your application?

11   MS. BRENNAN: Objection to the

12   form. Go ahead and answer.

13   A.   Two years later -- or a year and a

14   half later.

15   Q.   But it indicates to you that you

16   would be accepted now in Marietta Road?

17   A.   Yeah.

18   Q.   You testified earlier that you

19   understand this is a class action that's been

20   filed?

21   A.   Yes.

22   Q.   There is other people that are

23   being represented in this lawsuit. And this

24   case, of course, implicates the background

25   screening reports that are generated by

                                       Page 201

```
 1    RealPage, right?

 2         A.    Yes.

 3         Q.    So do you have a sense of what

 4    period of time is implicated by this case, and

 5    by that I mean, if someone had a background

 6    screening report, you know, two years ago, are

 7    they in this class, versus if someone had a

 8    background screening report five years, are

 9    they in this class; do you know what period of

10    time, in terms of screening reports, this class

11    action covers?

12         A.    No.  And I wanted to add --

13         Q.    Yes.

14         A.    -- I would have had to go through

15    the same procedure with Marietta now, and again

16    with you guys again.  So she made an offer, but

17    I wasn't accepted.

18         Q.    All right.  Why do you say that;

19    did they tell you you would have to be

20    rescreened?

21         A.    Yes.

22         Q.    But you understand now, based on

23    the documents you have seen, that RealPage has

24    removed that record from your file, correct?

25              MS. BRENNAN:  Objection.
```

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 1   Foundation. Go ahead.

 2   A.   No.

 3   Q.   You don't know?

 4   A.   No, it doesn't appear that they

 5   have, because again, the document that they

 6   sent me is exactly what I have that I pulled on

 7   my own a while ago.

 8   Q.   At the very least, you understand,

 9   based on some documents that you have seen,

10   that RealPage has informed Marietta that you

11   are not associated with the Georgia criminal

12   record?

13   A.   Yes.

14   MR. ST. GEORGE: Okay. I don't

15   have anything further for you.

16   Lauren, any questions?

17   MS. BRENNAN: Nothing for me.

18   MR. ST. GEORGE: Well, thank you

19   very much for your time, Ms. Jones. I

20   appreciate it.

21   THE WITNESS: Thank you.

22   THE VIDEOGRAPHER: Off the record

23   at 2:43.

24   MS. BRENNAN: She will read.

25   (Deposition concluded at 2:44 p.m.)

                                        Page 203

1   Whereupon, counsel was requested to give

2   instruction regarding the witness's review of

3   the transcript pursuant to the Civil Rules.

4

5   SIGNATURE:

6   Transcript review was requested pursuant to the

7   applicable Rules of Civil Procedure.

8

9   TRANSCRIPT DELIVERY:

10   Counsel was requested to give instruction

11   regarding delivery date of transcript.

12   MR. ST. GEORGE: Original

13   Transcript.

14   MS. BRENNAN: Certified Transcript.

15

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8   I, DIANE D. JONES, do hereby declare

9   under penalty of perjury that I have read the foregoing

10   transcript of my deposition; that I have made such

11   corrections as noted herein, in ink, initialed by me, or

12   attached hereto; that my testimony as contained herein,

13   as corrected, is true and correct.

14   EXECUTED this _____ day of _____,

15   _____, at _____, _____.

16   (City)   (State)

17

18

19

20

21   _____

22   DIANE D. JONES

23

24

25

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```
 1                    REPORTER'S CERTIFICATE

 2      The State of Ohio,    )

 3                                    SS:

 4      County of Cuyahoga.  )

 5

 6                   I, Wendy L. Klauss, a Notary Public

 7      within and for the State of Ohio, duly

 8      commissioned and qualified, do hereby certify

 9      that the within named witness, DIANE D. JONES,

10      was by me first duly sworn to testify the

11      truth, the whole truth and nothing but the

12      truth in the cause aforesaid; that the

13      testimony then given by the above-referenced

14      witness was by me reduced to stenotypy in the

15      presence of said witness; afterwards

16      transcribed, and that the foregoing is a true

17      and correct transcription of the testimony so

18      given by the above-referenced witness.

19                   I do further certify that this

20      deposition was taken at the time and place in

21      the foregoing caption specified and was

22      completed without adjournment.

23

24

25
```

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1   I do further certify that I am not

2   a relative, counsel or attorney for either

3   party, or otherwise interested in the event of

4   this action.

5   IN WITNESS WHEREOF, I have hereunto

6   set my hand and affixed my seal of office at

7   Cleveland, Ohio, on this 21st day of January,

8   2020.

9

10

11   _Wendy L. Klauss_

12   Wendy L. Klauss, Notary Public

13   within and for the State of Ohio

14

15   My commission expires July 13, 2024.

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                                    Page 207

[& - 2018]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the
foregoing transcript is a true, correct and complete
transcript of the colloquies, questions and answers
as submitted by the court reporter. Veritext Legal
Solutions further represents that the attached
exhibits, if any, are true, correct and complete
documents as submitted by the court reporter and/or
attorneys in relation to this deposition and that
the documents were processed in accordance with
our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining
the confidentiality of client and witness information,
in accordance with the regulations promulgated under
the Health Insurance Portability and Accountability
Act (HIPAA), as amended with respect to protected
health information and the Gramm-Leach-Bliley Act, as
amended, with respect to Personally Identifiable
Information (PII). Physical transcripts and exhibits
are managed under strict facility and personnel access
controls. Electronic files of documents are stored
in encrypted form and are transmitted in an encrypted
fashion to authenticated parties who are permitted to
access the material. Our data is hosted in a Tier 4
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court reporting services, and maintains its neutrality
and independence regardless of relationship or the
financial outcome of any litigation. Veritext requires
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standards from all of its subcontractors in their
independent contractor agreements.

Inquiries about Veritext Legal Solutions'
confidentiality and security policies and practices
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Associates indicated on the cover of this document or
at www.veritext.com.

Exhibit 21

FRANCIS·MAILMAN·SOUMILAS
CONSUMER LAW FIRM   P.C.

FRANCIS MAILMAN SOUMILAS, P.C. is a law firm located in center city Philadelphia, Pennsylvania that concentrates in consumer protection litigation. Founded in 1998, the firm's goal is to provide exceptional advocacy to consumers subjected to unfair business, industry and trade practices. The firm represents consumers in individual actions, as well as through class action lawsuits, in the areas of unlawful consumer credit reporting, employment background screening, fair debt collection, unlawful robo calls, unfair and deceptive trade practices litigation, and other consumer matters.

FMS is one of the preeminent consumer litigation firms in the country. In June of 2017, the firm obtained a record $60 million dollar jury verdict in a class action brought under the Fair Credit Reporting Act. The firm has been certified to serve as class counsel in over 50 class actions nationally, and has helped obtain groundbreaking legal rulings and decisions at both the trial court and appellate court levels. The firm has also served as counsel in some of the largest class action settlements in history. Due to the quality of its trial and appellate advocacy, FMS has been recognized by courts throughout the country for the high caliber of its work and its expertise. *White v. Experian Info. Solutions*, No. 05-01070, 2014 WL 1716154, at *13, 19, 22 (C.D. Cal. May 1, 2014) (finding Francis Mailman Soumilas "FCRA specialists" and appointing firm and its team as interim class counsel over objections from competing national law firm because their team's "credentials and experience [we]re significantly stronger in class action and FCRA litigation."); *Barel v. Bank of America*, 255 F.R.D. 393, 398-99 (E.D. Pa. 2009) (finding firm "competent, experienced and well-qualified to prosecute class actions" and noting that class counsel "have done an excellent job in representing the class in the instant litigation.")

JAMES A. FRANCIS

JIM FRANCIS has been admitted to practice before the United States Court of Appeals for the Third, Fourth and Ninth Circuits, the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the District of New Jersey, as well as the Pennsylvania and New Jersey state courts. He is a 1992 graduate of Muhlenberg College (B.A., *cum laude*) and a 1995 graduate of the Temple University Beasley School of Law. In law school, he won the 1995 Wapner, Newman & Wigrizer, P.C. award for excellence in civil trial advocacy, was awarded outstanding oral advocacy and served as President of the Student Bar Association. Following law school, Mr. Francis was associated with Kolsby, Gordon, Robin, Shore & Rothweiler in Philadelphia. Since 1998, he has focused his practice in consumer protection litigation, with a particular concentration in fair credit reporting, fair debt collection practices and consumer class actions.

In 2004, Mr. Francis was the youngest lawyer to be ranked in the Top 100 Superlawyers in the Commonwealth of Pennsylvania in *Philadelphia Magazine* and *Pennsylvania Super Lawyers* magazine. He was subsequently ranked a Top 100 Pennsylvania Superlawyer in 2008, 2012, and 2014, and has been regularly ranked one of the Top 100 Superlawyers in Philadelphia since 2004.

In 2017, Mr. Francis served as trial counsel in a $60 million dollar class action jury verdict, which is the largest verdict in history for a case brought under the Fair Credit Reporting Act. In

2009, Mr. Francis argued the seminal FCRA case of *Cortez v. Trans Union* before the Third Circuit Court of Appeals.   He lectures and speaks extensively on the FCRA for continuing legal education seminars, law schools and community groups, and has published articles on the FCRA.   He has appeared on various news programs including the *Today Show* and *PBS NewsHour* to discuss consumer-related issues, and was featured in *The Philadelphia Inquirer*'s biographical "Question & Answer" segment in February of 2009.   He has been certified to serve as class counsel in over 50 consumer class actions, has been trial counsel in three class actions to successful plaintiff's verdicts, and has served as counsel in some of the largest FCRA settlements in history.

In May of 2014, Mr. Francis was awarded the Community Legal Services of Philadelphia's *Equal Justice Award* at its annual Breakfast of Champions.   He was also selected as one of a small national group of plaintiffs' lawyers to be featured in Law 360's *Titans of the Plaintiff's Bar* series in October of 2014.   He currently serves on the Board of Directors of the National Association of Consumer Advocates (NACA).

CLASS COUNSEL CERTIFICATIONS

Leo v. APPFOLIO, Inc., No.3:17-cv-05771-RJB (W.D. Wash. 2019)

Thomas v. Equifax Info. Services, LLC, No. 18-cv-684 (E.D. Va. 2020)).

Clark v. Experian Info. Sols., Inc., No. 16-cv-32 (E.D. Va. 2019).

Clark/Anderson v. Trans Union, LLC, No. 15-cv-391 & No. 16-cv-558 (E.D. Va. 2018).

Kelly v. Business Information Group, C.A. 15-6668, 2019 WL 414915 (E.D. Pa. 2019)

Carter v. McDonald's Restaurants, 15-01531-MWF (March 15, 2015)

Ridenour v. Multi-Color Corporation, C.A. No. 2:15-cv-00041, (E.D. Va., Jan. 13, 2017)

Flores v. Express Personnel, C.A. No. 14-cv-03298, (E.D. Pa. Oct. 21, 2016)

Larson v. Trans Union, LLC, C.A. No. 12-cv-05726, (N.D. CA, Aug. 11, 2016)

Miller v. Trans Union, LLC, C.A. No. 12-cv-1715, (M.D. PA, Dec. 26, 2016)

Henderson v. Trans Union, LLC, C.A. No. 14-cv-00679, E.D. Va., May 3, 2016)

Pawlowski v. United Tranzactions, LLC, C.A. no. 15-cv-2330, (E.D. PA, April 18, 2016)

Rodriguez v. Calvin Klein, Inc., C.A. 1:15-cv-02590 (S.D. N.Y. 2015)

Giddiens v. Infinity Staffing, C.A. No. 13-cv-07115, (E.D. Pa., Jan. 12, 2016)

Giddiens v. First Advantage, C.A. No. 14-cv-5105, (E.D. Pa., July 11, 2015)

Jones v. Halstead Management Corporation, C.A. No. 14-cv-03125 (S.D. N.Y., May 5, 2016)

Berry v. LexisNexis Risk & Info. Analytics Group, Inc., No. 3:11-cv-754, 2014 WL 4403524 (E.D. Va. Sept. 5, 2014)

Thomas v. BackgroundChecks.com, C.A. No. 13-029 2015 WL 11004870 (E.D. Va. Aug. 5, 2015)

Henderson v. Acxiom Risk Mitigation, Inc., C.A. No. 12-589 (E.D. Va., Aug. 7, 2015)

Magallon v. Robert Half International, Inc. WL 8778398 (D. Or. Nov. 10, 2015)

Patel v. Trans Union, LLC, 308 F.R.D. 292 (N.D. Cal, 2014)

2

Goode v. First Advantage LNS Screening Solutions, Inc., C.A. No. 11-cv-02950 (E.D. Pa. Dec. 29, 2014)

Blandina v. Midland Funding, LLC, 2014 WL 7338744 (E.D. Pa. Dec. 23, 2014)

King v. General Information Services, Inc., C.A. No. 11-06850 (E.D. Pa. Nov. 4, 2014)

Robinson v. General Information Services, Inc., C.A. No. 11-07782 (E.D. Pa. Nov. 4, 2014)

Ramirez v. Trans Union, LLC, 2014 WL 3734525 (N.D. Cal. July 24, 2014)

White v. Experian Information Solutions, 993 F. Supp. 2d 1154, 1172 (C.D. Ca. 2014)

Sapp v. Experian Information Solutions, Inc., 2:10-04312 (E.D. Pa. Jan. 29, 2013)

LaRocque v. TRS Recovery Services, Inc., 2012 WL 291191 (D. Me. July 17, 2012)

Ryals et al. v. Hireright Solutions, Inc., C.A. No. 3:09-625 (E.D. Va. July 7, 2011)

Serrano v. Sterling Testing Systems, Inc., 711 F. Supp. 2d 402 (E.D. Pa. 2010)

Summerfield v. Equifax Information Services, LCC, 264 F.R.D. 133 (D. N.J. 2009)

Chakejian v. Equifax Information Services, LLC, 256 F.R.D. 492 (E.D. Pa. 2009)

Jones v. Midland Funding, LLC, C.A. No. 3:08-802 (RNC) (D. Conn. October 13, 2009)

Barel v. Bank of America, 255 F.R.D. 393 (E.D. Pa. 2009)

Mann v. Verizon, C.A. No. 06-5370 (E.D. Pa. Sept. 26, 2008)

Smith v. Grayling Corp., 2008 WL 3861286, C.A. No. 07-1905 (E.D. Pa. 2008)

Strausser v. ACB Receivables Management, Inc., 2008 WL 859224 (E.D. Pa. March 28, 2008)

Nienaber v. Citibank (South Dakota), N.A., 2007 WL 2003761 (D.S.D. July 5, 2007)

Jordan v. Commonwealth Financial Systems, Inc., 237 F.R.D. 132, (E.D. Pa. 2006)

Marino v. UDR, 2006 WL 1687026, C.A. No. 05-2268 (E.D. Pa. June 14, 2006)

Seawell v. Universal Fidelity Corp, 235 F.R.D. 64 (E.D. Pa. 2006)

Perry v. FleetBoston Financial Corp., 229 F.R.D.105 (E.D. Pa. 2005)

Beck v. Maximus, Inc., 2005 WL 589749 (E.D. Pa. 2005)

Beck v. Maximus, 457 F. 3d 291, 2006 WL 2193603 (3d Cir. Aug. 4, 2006)

Stoner v. CBA Information Services, 352 F. Supp. 2d 549 (E.D. Pa. 2005)

Bittner v. Trans Union, LLC, C.A. No. 04-2562 (E.D. Pa. January 4, 2005)

Wisneski v. Nationwide Collections, Inc., 227 F.R.D. 259 (E.D. Pa. 2004)

Petrolito v. Arrow Financial Services, LLC, 221 F.R.D. 303 (D. Conn. 2004)

Orloff v. Syndicated Office Systems, Inc., 2004 WL 870691 (E.D. Pa 2004)

Bonett v. Education Debt Services, Inc., 2003 WL 21658267 (E.D. Pa. 2003)

Gaumer v. The Bon-Ton Stores, C.A. No. 02-8611 (E.D. Pa. Dec. 30, 2003)

Street v. Portfolio Recovery Associates, C.A. No. 01-3684 (E.D. Pa. July 30, 2003)

Samuel-Bassett v. Kia Motors America, Inc., 212 F.R.D. 271 (E.D. Pa. 2000)

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Oslan v. Law Offices of Mitchell N. Kay, 232 F. Supp. 2d 436 (E.D. Pa. 2002)

Oslan v. Collection Bureau of Hudson Valley, 206 F.R.D. 109 (E.D. Pa. 2002)

Saunders v. Berks Credit & Collections, 2002 WL 1497374 (E.D. Pa. 2002)

Schilling v. Let's Talk Cellular and Wireless, 2002 U.S. Dist. LEXIS 3352 (E.D. Pa. 2002)

Fry v. Hayt, Hayt and Landau, 198 F.R.D. 461 (E.D. Pa. 2000)

Smith v. First Union Mortgage Corporation, 1999 WL 509967 (E.D. Pa. 1999)

Miller v. Inovision, December Term, 1999, No. 3504 (C.P. Phila. County).

NOTABLE CASES

- *Ramirez v. Trans Union, LLC*—served as trial counsel in record $60 million jury verdict, highest verdict in FCRA history.

- *Thomas v. Equifax Info. Services, LLC*, No. 18-cv-684 (E.D. Va.). FCRA class action, alleging violations by credit bureau, providing nationwide resolution of class action claims asserted across multiple jurisdictions, including injunctive relief, and an uncapped mediation program for millions of consumers.

- *Clark v. Experian Info. Sols., Inc.*, No. 16-cv-32 (E.D. Va.). FCRA class action, alleging violations by credit bureau, providing a nationwide resolution of class action claims asserted by 32 plaintiffs in 16 jurisdictions, including injunctive relief and an uncapped mediation program, for millions of consumers.

- *Clark/Anderson v. Trans Union, LLC*, No. 15-cv-391 & No. 16-cv-558 (E.D. Va.). FCRA consolidated class action, alleging violations by credit bureau, providing groundbreaking injunctive relief, and an opportunity to recover monetary relief, for millions of consumers.

- *In Re: TRS Recovery Services, Inc. And Telecheck Services, Inc.*, Fair Debt Collection Practices Act (FDCPA Litigation)- Served as Class Counsel in a national FDCPA class action and obtained a 3.4-million-dollar settlement against one of the nation's largest check history consumer reporting agencies.

- *Berry v. LexisNexis Risk & Info. Analytics Group, Inc.*, No. 3:11-cv-754, 2014 WL 4403524, at *11 (E.D. Va. Sept. 5, 2014) -- Appointed class counsel in national FCRA class action that obtained a $13.5-million-dollar settlement against Lexis/Nexis, one of the largest information providers in the world, along with a groundbreaking injunctive relief settlement on behalf of 200 million Americans in which LexisNexis agreed to bring its Accurint product into FCRA compliance.

- *Thomas v. BackgroundChecks.com*, C.A. No. 13-029 (E.D. Va. Aug. 11, 2015) –Appointed class counsel in an FCRA national class action which obtained $18 million against another of the largest background screening companies in the world, and also obtained significant injunctive and remedial relief.

- *Henderson v. Acxiom Risk Mitigation, Inc.*, C.A. No. 12-589 (E.D. Va., Aug. 7, 2015)- Appointed class counsel in a national FCRA class action which obtained a $20.8 million

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settlement against one of the largest data sellers and background screening companies in the world.

- *Ryals et al. v. Hireright Solutions, Inc.,* C.A. No. 3:09cv625 (E.D. Va. Dec. 22, 2011) – $28.3 million national settlement achieved for class of consumers subjected to employment background checks in case brought under Fair Credit Reporting Act (FCRA); believed to be the third largest FCRA settlement in history.

- *Cortez v. Trans Union, LLC*, 617 F.3d 688 (3d. Cir. 2010) – argued precedential case of first impression before the U.S. Court of Appeals for the Third Circuit which outlines the liability, causation and damages standards for FCRA cases against credit reporting agencies; $800,000 jury verdict against Trans Union in fair credit reporting case (remitted to $150,000).

- *Little v. Kia Motors America, Inc.,* 2003 WL 25568765 (N.J. Super. L. 2003) – $6 million (approximate) verdict for class of New Jersey car purchasers.

- *Samuel-Bassett v. Kia Motors America, Inc.,* __ A.3d __, 2011 WL 60559098 (Pa. 2011), C.P. Phila. County, January Term, 2001, No. 2199 – $5.6 million verdict for class of Pennsylvania car purchasers, plus award of attorney's fees.

- *Serrano v. Sterling Testing Systems, Inc.*, __ F. Supp. 2d __, 2008 WL 2223007 (E.D. Pa. May 30, 2008) – federal court finding as a matter of first impression what defines a record of arrest under the FCRA.

- *Ziegenfuse v. Apex Asset Management, LLC*, 239 F.R.D. 400 (E.D. Pa. 2006) – obtained court decision holding that offers of judgment under Rule 68 of the Federal Rules of Civil Procedure cannot be used in class actions.

- *Stoner v. CBA Information Services*, 352 F. Supp. 2d 549 (E.D. Pa. 2005) – obtained $772,500 settlement for class of consumers who disputed errors in their credit reports.

- *Richburg v. Palisades Collection, LLC*, 247 F.R.D. 457 (E.D. Pa. 2008); federal court ruled that actions to collect delinquent credit card debt in Pennsylvania subject to 4 year statute of limitations (not 6 as the defendant collection agency had argued).

- *Perry v. FleetBoston Financial Corp.*, 2004 WL 1508518 (E.D. Pa. 2004) – defeated motion to compel arbitration in class action brought under Fair Credit Reporting Act.

- *Crane v. Trans Union, LLC,* 282 F. Supp. 2d 311 (E.D. Pa. 2003) – federal court held that credit reporting agencies that merely parrot information from credit furnishers and fail to forward dispute documentation face claims for punitive damages under the Fair Credit Reporting Act; violation of the Fair Credit Reporting Act presents a violation of Pennsylvania's Consumer Protection Law).

- *Lawrence v. Trans Union, LLC*, 296 F. Supp. 2d 582 (E.D. Pa. 2003) (same).

- *Wisneski v. Nationwide Collections, Inc.*, 227 F.R.D. 259 (E.D. Pa. 2004) – obtained class certification in Fair Debt Collection Practices action in which a Pennsylvania federal court

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held for the first time that statutory net worth limitation is not limited to balance sheet net worth, and includes equity, capital stock and goodwill.

- *Evantash v. G.E. Capital Mortgage Services, Inc.*, 2003 WL 22844198 (E.D. Pa. 2003) – federal court held that technical accuracy defense was not available to defendants under the Fair Credit Reporting Act.

- *Sheffer v. Experian Information Solutions, Inc.*, 2003 WL 21710573 (E.D. Pa. 2003) – federal court held that Fair Credit Reporting Act permits as recoverable damage emotional distress in trying to correct errors in a consumer's credit file, even where no pecuniary or out-of-pocket losses.

- *Sheffer v. Experian Information Solutions Inc.,* 249 F. Supp. 2d 560 (E.D. Pa. 2003) – federal court held that FCRA provides a private right of action against furnishers of information.

- *Sullivan v. Equifax, Inc. et al.*, 2002 U.S. Dist. LEXIS 7884 (E.D. Pa. 2002) – federal court held that reporting a debt to a credit reporting agency is a communication covered by the Fair Debt Collection Practices Act.

- *Wenrich v. Cole*, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. 2000) – federal court held that FDCPA provides protection for all persons, not just consumers.

- *Jaramillo v. Experian Information Solutions, Inc.*, 155 F. Supp. 2d 356 (E.D. Pa. 2001) – federal court held that single publication rule does not apply to actions brought for violation of the Fair Credit Reporting Act.

LECTURES/PRESENTATIONS BY INVITATION

Faculty, 21st Annual Consumer Financial Services Litigation Institute (CLE-accredited), "Fair Credit Reporting and Debt Collection Litigation", March and April 2016, NYC and Chicago;

Speaker, The Conference on Consumer Finance Law, Annual Consumer Financial Services Conference, Loyola University School of Law, Chicago, Illinois, September 16, 2016

Speaker, "New Frontiers: FCRA Litigation Against Lesser Known CRAs", Consumer Rights Litigation Conference, National Consumer Law Center, Anaheim, California, October 2016

Faculty, "Pursuing and Defending FDCPA, FCRA and TCPA Claims", Consumer Finance Class Actions, Strafford Publications, June 2, 2016

Speaker, "Stump the Champs", Consumer Rights Litigation Conference, National Consumer Law Center, San Antonio, Texas, October 2015

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Las Vegas, NV May 1–3, 2015.

Co-Chair and Speaker, NACA 2013 FCRA Conference, National Association of Consumer Advocates, May 29 – June 1, 2013;

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Presenter, *Beyond E-Oscar: Litigating "Non-Credit" FCRA Cases*, Webinar, National Association of Consumer Advocates, February 27, 2013;

Faculty, *FDCPA Class Actions: Latest Litigation Developments*, Strafford Webinars and Publications, November 8, 2012;

Speaker, Consumer Finance Class Actions: *FCRA and FACTA: Leveraging New Developments in Certification, Damages and Preemption*, Strafford Webinars and Publications, March 21, 2012;

Speaker, *FCRA Developments*, Consumer Rights Litigation Conference, National Consumer Law Center, Seattle, Washington, October 2012;

Speaker, *11th Consumer Class Action Symposium*, National Consumer Law Center, Chicago, Illinois, November 6, 2011;

Speaker, *Tenant, Employment and Chexsystems Reports*, Consumer Rights Litigation Conference, National Consumer Law Center, Chicago, Illinois, November 3 – 6, 2011;

Speaker, *Specialty Consumer Reports and the FCRA*, FCRA Conference on Consumer Credit, National Association of Consumer Advocates, Memphis, Tennessee, May 20 – 22, 2011;

Panelist, *Taking on the Challenges Facing Workers with Criminal Records: Advancing the Legal and Policy Advocacy Agenda*, National Employment Law Project, Washington, D.C., April 5, 2011;

Faculty, 16th Annual Consumer Financial Services Litigation Institute (CLE-accredited), *Collection Issues Including The TCPA & Hot Topics*, Practicing Law Institute, New York, NY and Chicago, IL, March 2011,

Speaker, *ABCs of Fair Credit Reporting*, *Tips on FCRA Depositions*, *Evolution of Credit Reporting Industries*, Consumer Rights Litigation Conference, National Consumer Law Center, Boston, Massachusetts, November 11 – 14, 2010;

Faculty, Banking and Consumer Financial Services Law Update, *Litigation and Arbitration Update*, Pennsylvania Bar Institute, April 14, 2010;

Faculty, *Deposit-Side Litigation Developments & Credit Card Developments*, 14th Annual Consumer Financial Services Litigation Institute, New York, NY and Chicago, IL, March and April 2009;

Faculty, 13th Annual Consumer Financial Services Litigation Institute (CLE-accredited), Practicing Law Institute, New York, NY and Chicago, IL, January 2008, March 2008;

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Chicago, IL May 8 – 10, 2009;

Faculty, 12th Annual Consumer Financial Services Litigation Institute (CLE-accredited), Practicing Law Institute, New York, NY, March 2007;

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Faculty, *Fair Credit Reporting Litigation*, Consumer Protection Law (CLE-accredited), Pennsylvania Bar Institute, Philadelphia, PA and Mechanicsburg, PA, December 2004, March 2007;

Speaker, *Litigating Accuracy Issues with Furnishers of Credit Data*, National Association of Consumer Advocates, New Orleans, LA, June 2 – 5, 2005;

Speaker, Philadelphia Housing Expo, Homeownership Counseling Association of the Delaware Valley, 2005 and 2006;

Speaker, *Understanding Credit Scoring*, Consumer Rights Litigation Conference, National Consumer Law Center, Boston, MA, November 7, 2004;

Speaker, *Litigating Accuracy Issues With Credit Reporting Agencies*, National Association of Consumer Advocates, Chicago, Ill., May 14 – 16, 2004;

Speaker, *Protecting Privacy, Ensuring Accuracy*, National Association of Consumer Advocates, Albuquerque, NM, June 1, 2002;

Faculty/Speaker, *Credit Reporting and Debt Collection Litigation*, Municipal Court Judicial Conference (CLE), Pennsylvania, PA, May 6, 1999;

Speaker, The People's Law School, Philadelphia Bar Association, Philadelphia, PA, October 2004;

Guest Lecturer, Consumer Protection Law, Temple Law School, 2003 – 2012;

Guest Lecturer, Consumer Protection Law, Widener Law School, 2004 – 2009.

PUBLICATIONS

The FCRA: A Double-Edged Sword for Consumer Data Sellers,
> GP SOLO Magazine, American Bar Association, Volume 29, Number 6, November/December 2012

Credit Rating Damage: Compensable, Yet Overlooked Damage in Tort Cases,
> The Verdict, Philadelphia Trial Lawyers Association, Volume 2008-2009, Issue 6 (2009).

COMMITTEE APPOINTMENTS AND POSITIONS

Mr. Francis currently serves as co-chair on the National Association of Consumer Advocates Fair Debt Collection and Credit Reporting Legislative Issue Committee. He has served on the Editorial Board of the Consumer Financial Services Law Report, the Philadelphia Bar Association's Lawyer Referral and Information Service Committee (where he served as chair or co-chair for 3 years), and has served on the Philadelphia Bar Association's Federal Court's Committee. He has served as an arbitrator for the Court of Common Pleas of Philadelphia County and is on the Judge Pro Tem panel. He is a member of the Philadelphia Bar Association, Pennsylvania Trial Lawyers Association, Philadelphia Trial Lawyers Association, and National Association of Consumer Advocates.

MARK D. MAILMAN

MARK MAILMAN is admitted to practice before the United States for the Eastern District of Pennsylvania and District of New Jersey as well as the state courts of Pennsylvania and New Jersey. He is a graduate of Muhlenberg College (B.A. *magna cum laude*, 1991) when he was also inducted into Phi Beta Kappa. Mr. Mailman received his law degree from the Temple University School of Law (J.D. 1995). While at Temple Law School, he achieved the highest grade in his Trial Advocacy clinic.

Throughout law school, Mr. Mailman interned at the Philadelphia District Attorney's Office where he tried cases and argued motions in the areas of domestic violence and sexual assault. Following graduation from law school, Mr. Mailman was an attorney with the law firm of Hwang & Associates where his practice focused on Lemon Law litigation. In 1996, Mr. Mailman was associated with the law firm of Fellheimer, Eichen, Bravermen & Kaskey where his practice focused on complex commercial litigation including creditor's rights.   He has been certified to serve as class counsel by state and federal courts in both contested and settlement class actions.

In October 2018, Mr. Mailman was awarded the 2018 Consumer Attorney of the Year award from the National Association of Consumer Advocates (NACA). NACA is a nationwide organization of more than 1,500 consumer attorneys and advocates who represent the victims of abusive and fraudulent business practices.

CLASS COUNSEL CERTIFICATIONS

Serrano v. Sterling Testing Systems, Inc., 711 F. Supp. 2d 402 (E.D. Pa. 2010)

Summerfield v. Equifax Information Services, LCC, 2009 WL 3234191 (D.N.J. Sept. 30, 2009)

Chakejian v. Equifax Information Services, LLC, 256 F.R.D. 492, 2009 WL 764656 (E.D. Pa. 2009)

Barel v. Bank of America, __F.R.D.__, 2009 WL 122805 (E.D. Pa. 2009)

Mann v. Verizon, C.A. No. 06-5370 (E.D. Pa. Sept. 26, 2008)

Smith v. Grayling Corp., 2008 WL 3861286, C.A. No. 07-1905 (E.D. Pa. 2008)

Strausser v. ACB Receivables Management, Inc., 2008 WL 859224 (E.D. Pa., March 28, 2008)

Nienaber v. Citibank (South Dakota), N.A., 2007 WL 2003761 (D.S.D., July 5, 2007)

Jordan v. Commonwealth Financial Systems, Inc., 237 F.R.D. 132, 2006 WL 2294855 (E.D. Pa. 2006);

Seawell v. Universal Fidelity Corp, 235 F.R.D. 64 (E.D. Pa. 2006);

Perry v. FleetBoston Financial Corp., 299 F.R.D. 105, 2005 WL 1527694 (E.D. Pa. 2005);

Beck v. Maximus, Inc., 2005 WL 589749 (E.D. Pa. 2005);

Beck v. Maximus, 457 F. 3d 291, 2006 WL 2193603 (3d Cir. Aug. 4, 2006)

Stoner v. CBA Information Services, 352 F. Supp. 2d 549 (E.D. Pa. 2005)

Bittner v. Trans Union, LLC, C.A. No. 04-2562 (E.D. Pa. January 4, 2005)

Wisneski v. Nationwide Collections, Inc., 227 F.R.D. 259 (E.D. Pa. 2004)

Petrolito v. Arrow Financial Services, LLC, 221 F.R.D. 303 (D. Conn. 2004)

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Orloff v. Syndicated Office Systems, Inc., 2004 WL 870691 (E.D. Pa 2004)

Bonett v. Education Debt Services, Inc., 2003 WL 21658267 (E.D. Pa. 2003)

Gaumer v. The Bon-Ton Stores, C.A. No. 02-8611 (E.D. Pa. Dec. 30, 2003)

Street v. Portfolio Recovery Associates, C.A. No. 01-3684 (E.D. Pa. July 30, 2003)

Samuel-Bassett v. Kia Motors America, Inc., 212 F.R.D. 271 (E.D. Pa. 2000),

Oslan v. Law Offices of Mitchell N. Kay, 232 F. Supp. 2d 436 (E.D. Pa. 2002)

Oslan v. Collection Bureau of Hudson Valley, 206 F.R.D. 109 (E.D. Pa. 2002)

Saunders v. Berks Credit & Collections, 2002 WL 1497374 (E.D. Pa. 2002)

Schilling v. Let's Talk Cellular and Wireless, 2002 U.S. Dist. LEXIS 3352 (E.D. Pa. 2002)

Fry v. Hayt, Hayt and Landau, 198 F.R.D. 461 (E.D. Pa. 2000);

Smith v. First Union Mortgage Corporation, 1999 WL 509967 (E.D. Pa. 1999)

Miller v. Inovision, C.P. Phila. County, December Term, 1999, No. 3504.

NOTABLE CASES

- *Schwartz v. Aracor Search & Abstract, Inc.*, 2014 WL 4493662 (E.D. Pa. Sept. 11, 2014) (upholding compensatory and punitive damages judgment against title company that misappropriated certain funds at real estate closing)

- *Ferguson v. Wells Fargo Bank, NA*, 538 Fed. Appx. 782 (9th Cir. 2013) (reversing summary judgment for bank that failed to properly remove bankruptcy notation

- *King v. General Info. Servs., Inc.*, 903 F. Supp. 2d 303 (E.D. Pa. 2012) (first court to uphold constitutionality of FCRA's obsolescence provision

- *Seamans v. Temple University,* Civil No. 11-6774 (E.D. Pa., Oct. 28, 2011) – precedential case of first impression before U.S. Court of Appeals for the Third Circuit addressing duties of furnishers and interplay between the FCRA and HCA.

- *Dixon-Rollins v. Trans Union, LLC,* Civil No. 09-646 (E.D. Pa., April 10, 2010) – $530,000 jury verdict against a credit reporting agency that falsely reported an old landlord collection claim for rent (*remitted* to $300,000).

- *Adams v. LexisNexis Risk & Info. Analytics Group, Inc.*, 2010 WL 1931135 (D.N.J. May 12, 2010) (first court to find that consumers may sue under FRCA over information in specialty Accurint report used by debt collectors)

- *Shames-Yeakel v. Citizens Financial Bank*, 677 F. Supp. 2d 994 (N.D. Ill. 2009) (first court to rule that consumer may proceed to jury trial on claim that bank breached its duty to sufficiently secure its online banking system).

- *Cortez v. Trans Union, LLC,* Civil No. 05-5684 (E.D. Pa., April 26, 2007) – $800,000 jury verdict against Trans Union in fair credit reporting case (*remitted* to $150,000).

- *Samuel-Bassett v. Kia Motors America, Inc.,* C.P. Phila. County, January Term, 2001, No. 2199 – $5.6 million verdict for class of Pennsylvania car purchasers;

- *Little v. Kia Motors America, Inc.,* 2003 WL 25568765 (N.J. Super. L. 2003) – $6 million (approximate) verdict for class of New Jersey car purchasers, damages later decertified.

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- *Serrano v. Sterling Testing Systems, Inc.*, __F.Supp.2d__, 2008 WL 2223007 (E.D. Pa. May 30, 2008) – federal court finding as a matter of first impression what defines a record of arrest under the FCRA.

- *Stoner v. CBA Information Services*, 352 F. Supp. 2d 549 (E.D. Pa. 2005) – obtained $772,500 settlement for class of consumers who disputed errors in their credit reports.

- *Perry v. FleetBoston Financial Corp.*, 2004 WL 1508518 (E.D. Pa. 2004) – defeated motion to compel arbitration in class action brought under Fair Credit Reporting Act.

- *Crane v. Trans Union, LLC,* 282 F. Supp. 2d 311 (E.D. Pa. 2003) – federal court held that credit reporting agencies that merely parrot information from credit furnishers and fail to forward dispute documentation face claims for punitive damages under the Fair Credit Reporting Act; violation of the Fair Credit Reporting Act presents a violation of Pennsylvania's Consumer Protection Law);

- *Lawrence v. Trans Union, LLC*, 296 F. Supp. 2d 582 (E.D. Pa. 2003) – same.

- *Wisneski v. Nationwide Collections, Inc.*, 227 F.R.D. 259 (E.D. Pa. 2004) – in fair debt class action, Pennsylvania federal court held for the first time that statutory net worth limitation is not limited to balance sheet net worth, and includes equity, capital stock and goodwill.

- *Evantash v. G.E. Capital Mortgage Services, Inc.*, 2003 WL 22844198 (E.D. Pa. 2003) – in fair credit reporting case, court held that technical accuracy is not a defense.

- *Sheffer v. Experian Information Solutions, Inc.*, 2003 WL 21710573 (E.D. Pa. 2003) – federal court held that Fair Credit Reporting Act permits as recoverable damage emotional distress in trying to correct errors in a consumer's credit file, even where no pecuniary or out-of-pocket losses.

- *Sheffer v. Experian Information Solutions Inc.,* 249 F. Supp. 2d 560 (E.D. Pa. 2003) – federal court held that FCRA provides a private right of action against furnishers of information.

- *Sullivan v. Equifax, Inc. et al.*, 2002 U.S. Dist. LEXIS 7884 (E.D. Pa. 2002) – federal court held that reporting a debt to a credit reporting agency is a communication covered by the Fair Debt Collection Practices Act;

- *Wenrich v. Cole*, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. 2000) – federal court held that FDCPA provides protection for all persons, not just consumers; and

- *Jaramillo v. Experian Information Solutions, Inc.*, 155 F. Supp. 2d 356 (E.D. Pa. 2001); 2001 U.S. Dist. LEXIS 10221 (E.D. Pa. 2001) – federal court held that single publication rule does not apply to actions brought for violation of the Fair Credit Reporting Act.

PRESENTATIONS/LECTURES BY INVITATION

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Las Vegas, NV May 1–3, 2015.

Speaker, *Fair Debt Collection Experienced Training Conference,* National Association of Consumer Advocates, Baltimore, MD, March 7–8, 2013

Speaker, *Fair Debt Collection Experienced Training Conference*, National Association of Consumer Advocates, New Orleans, LA, February 23–24, 2012.

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Speaker, *Negotiating 101,* National Association of Consumer Advocates, Memphis, TN, May 20–22, 2011

Speaker, *Fair Credit Reporting Act Conference*, National Association of Consumer Advocates, Chicago, IL May 8–10, 2009.

Speaker, *Fair Debt Collection Experienced Training Conference*, National Association of Consumer Advocates, Nashville, TN, March 27–29, 2008.

Speaker, *Litigation Trends: "Getting to Know the Other Team",* 11th Annual DBA International World Championship of Debt Buying, Las Vegas, NV, February 5–7, 2008.

Speaker, *Protecting Vulnerable Consumers and Promoting Marketplace Justice,* Consumer Rights Litigation Conference, National Consumer Law Center, Miami, FL, November 10–13, 2006.

Speaker, *FCRA: Playing to Win,* National Association of Consumer Advocates, Las Vegas, NV, May 5–7, 2006.

Speaker, *Litigating Accuracy Issues With Furnishers of Credit Data*, National Association of Consumer Advocates, New Orleans, LA, June 2–5, 2005.

Speaker, *Understanding Credit Scoring*, Consumer Rights Litigation Conference, National Consumer Law Center, Boston, MA, November 7, 2004.

Speaker, *Litigating Accuracy Issues With Credit Reporting Agencies*, National Association of Consumer Advocates, Chicago, Ill., May 14–16, 2004.

Speaker, *FCRA/Building On Our Success*, National Association of Consumer Advocates, Orlando, FL, March 7–9, 2003.

Speaker, *Protecting Privacy, Ensuring Accuracy*, National Association of Consumer Advocates, Albuquerque, NM, June 1, 2002.

Faculty/Speaker, *Credit Reporting and Debt Collection Litigation*, Municipal Court Judicial Conference (CLE), Pennsylvania, PA, May 6, 1999.

Mr. Mailman has been consistently voted and named one of Pennsylvania's Super Lawyers by *Law and Politics* published by *Philadelphia Magazine* and *Pennsylvania Super* for the years 2004-2016. Mr. Mailman has lectured before judges, lawyers and various professional organizations on the topics of Fair Debt Collection and Fair Credit Reporting litigation. He has also appeared on various news programs to discuss consumer relevant issues.

Mr. Mailman has litigated cases on behalf of victimized consumers throughout Pennsylvania. He concentrates his practice in the areas of Fair Debt Collection, Fair Credit Reporting, unwanted auto calls and texts, Credit Repair Litigation and consumer class actions. He serves as a certified arbitration panelist with the Federal Arbitration Panel and serves on the Editorial Board of the Consumer Financial Services Law Report. Additionally, he is a member of the Pennsylvania Trial Lawyers Association, Philadelphia Trial Lawyers Association, Philadelphia Bar Association, and National Association of Consumer Advocates, and regularly serves on the Philadelphia Bar Association's Federal Courts Committee.

JOHN SOUMILAS

JOHN SOUMILAS concentrates his practice in consumer protection law, including fair credit reporting, fair debt collection, and consumer class actions. John litigates individual and class action cases primarily in federal court on behalf of victims of identity theft, persons defamed and otherwise harmed by credit errors, individuals harassed and deceived by debt collectors, and many others who are subjected to unwelcome invasions of their privacy, fraud, overcharging and other unfair business or employment practices.

John has been repeatedly recognized by Philadelphia Magazine as a "*SuperLawyer*," a recognition received by only 5% of attorneys in Pennsylvania. Through settlements and verdicts, John has recovered tens of millions of dollars on behalf of victimized consumers and has forced banks, credit bureaus and other businesses to make pro-consumer changes to their records and practices. He was lead class counsel and lead trial counsel in the June 2017 record-breaking $60 million dollar class action jury verdict, the largest verdict in history for a case brought under the Fair Credit Reporting Act.

John is a 1994 cum laude graduate of Rutgers University, where he was inducted into Phi Beta Kappa. He also holds a master's degree in American history from the State University of New York at Stony Brook. John received his law degree cum laude from the Temple University Beasley School of Law in 1999, where he was a member of the Jessup Moot Court and Temple Law Review.   He began his legal career by clerking for Justice Russell M. Nigro of the Supreme Court of Pennsylvania.

John is admitted to practice before the United States Courts of Appeals for the Third, Fourth, Sixth, Seventh, Ninth and Eleventh Circuits, the United States District Courts for the District of Colorado, Eastern District of Michigan, Eastern District of Pennsylvania, and the District of New Jersey, as well as the state courts of Pennsylvania and New Jersey. He has also successfully litigated cases on a *pro hac vice* basis throughout the country.

JURY TRIALS

Tried several cases and obtained among the highest jury verdicts in cases brought under the Fair Credit Reporting Act (FRCA), including the highest known FCRA jury verdicts in California, Pennsylvania and Michigan.

- *Cortez v. Trans Union, LLC,* Civ. No. 05-5684 (E.D. Pa. Apr. 26, 2007)
- *Dixon-Rollins v. Trans Union, LLC*, Civ. No. 09-0646 (E.D. Pa. March 9, 2010)
- *Smith v. LexisNexis Screening Solutions, Inc*., Civ. No. 13-10774 (E.D. Mich. Oct. 24, 2014).
- *Ramirez v. Trans Union, LLC*, No. 12-cv-00632-JSC, 2017 WL 5153280 (N.D. Cal. Nov. 7, 2017).

APPEALS

Successfully handled several appeals and obtained some of the most favorable appellate decisions for consumers under the FCRA.

- *Seamans v. Temple University,* 744 F.3d 853 (3d Cir. 2014)
- *Cortez v. Trans Union, LLC,* 617 F.3d 688 (3d Cir. 2010).

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CLASS ACTIONS

Has served as class counsel in over two dozen cases, including some of the largest FCRA settlements and verdicts.

- *Flores v. Express Personnel*, C.A. No. 14-cv-03298, (E.D. Pa. Oct. 21, 2016) (several improper background screening practices);

- *Magallon v. Robert Half International, Inc.* WL 8778398 (D. Or. Nov. 10, 2015) (employment candidate notices to late);

- *Ramirez v. Trans Union, LLC*, 301 F.R.D. 408 (N.D. Cal. 2014) (false terrorist alerts on credit reports);

- *LaRocque v. TRS Recovery Services Inc.*, 285 F.R.D. 139 (D. Maine 2012) (deceptive collection letter for returned check and other fees);

- *Summerfield v. Equifax Info. Servs., LLC,* 264 F.R.D. 133 (D.N.J. 2010) (misrepresenting reinvestigation results of disputed bankruptcies, tax liens and civil judgments listed on credit reports).

NOTABLE CASES

- *Dennis v. Trans Union, LLC*, 2014 WL 5325231 (E.D. Pa. Oct. 20, 2014) (first court to rule that consumer may sue credit reporting agency for failing to identify private vendors of public records information placed on consumer's credit file);

- *Schwartz v. Aracor Search & Abstract, Inc.*, 2014 WL 4493662 (E.D. Pa. Sept. 11, 2014) (upholding compensatory and punitive damages judgment against title company that misappropriated certain funds at real estate closing);

- *Ferguson v. Wells Fargo Bank, NA*, 538 Fed. Appx. 782 (9th Cir. 2013) (reversing summary judgment for bank that failed to properly remove bankruptcy notation);

- *King v. General Info. Servs., Inc.*, 903 F. Supp. 2d 303 (E.D. Pa. 2012) (first court to uphold constitutionality of FCRA's obsolescence provision);

- *Howley v. Experian Info. Solutions, Inc.*, 813 F. Supp. 2d 629 (D.N.J. 2011) (first court to find that consumer may sue credit reporting agency that improperly disclosed his information to an identity thief);

- *Adams v. LexisNexis Risk & Info. Analytics Group, Inc.*, 2010 WL 1931135 (D.N.J. May 12, 2010) (first court to find that consumers may sue under FRCA over information in specialty Accurint report used by debt collectors); and

- *Shames-Yeakel v. Citizens Financial Bank*, 677 F. Supp. 2d 994 (N.D. Ill. 2009) (first court to rule that consumer may proceed to jury trial on claim that bank breached its duty to sufficiently secure its online banking system).

LECTURES / PUBLICATIONS

John is a regular lecturer on consumer matters, including for the National Business Institute, National Consumer Law Center, Practicing Law Institute, National Association of Consumer Advocates, and other organizations. John has been interviewed and quoted concerning many legal issues affecting consumers by a wide range of media outlets, from the Wall Street Journal and

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Forbes Magazine to Consumer Reports and Free Speech Radio. He has authored several popular and scholarly articles, including *Predatory Lending, the FCRA and the FDCPA* (NBI 2009) and *How Can I Combat Identity Theft* (Philadelphia Magazine, Dec. 2008).

DAVID A. SEARLES

DAVID A. SEARLES, of counsel to the firm, is admitted to practice before the Supreme Court of the United States, the United States Courts of Appeals for the Third, Fourth and Sixth Circuits, and the United States District Courts for the District of Maryland, the District of Colorado, the Northern District of Oklahoma, and Eastern and Middle Districts of Pennsylvania, as well as the state courts of Pennsylvania. He is a graduate of the American University School of Law, Washington, D.C., where he served on law review.

Following graduation from law school, Mr. Searles was an attorney for Community Legal Services of Philadelphia, where he specialized in consumer and bankruptcy law. In 1990, he successfully argued the first consumer reorganization bankruptcy case considered by the U.S. Supreme Court, *Pennsylvania v. Davenport*, 495 U.S. 552 (1990), and has served as lead counsel and presented argument in numerous consumer law cases before the United States Court of Appeals for the Third Circuit. From 1992 through 1997, Mr. Searles was associated with the Philadelphia law firm of Drinker Biddle & Reath LLP, where his practice focused on Chapter 11 bankruptcy and creditors' rights. Thereafter, he was a member of Donovan Searles, LLC until 2011, specializing in consumer class action litigation.

In 2005, Mr. Searles was awarded the Equal Justice Award at the Community Legal Services Breakfast of Champions for his role in directing funding for legal assistance for low-income residents of Philadelphia. Mr. Searles has served as the Pennsylvania contributor to SURVEY OF STATE CLASS ACTION LAW (ABA Section of Litigation – 2010), and as a contributing author of PENNSYLVANIA CONSUMER LAW (2010). He has taught advanced bankruptcy law at the Rutgers University School of Law – Camden, business law at Widener University and bankruptcy law at Pierce Junior College, Philadelphia. He is a past co-chairperson of the Education Committee of the Eastern District of Pennsylvania Bankruptcy Conference. Mr. Searles has been named a Pennsylvania Super Lawyer for many years.

CLASS ACTIONS

Patel v. Trans Union, LLC, 2018 WL 1258194 (N.D. Ca. March 11, 2018);

Carter v. Shalhoub Management Company, Inc., 2017 WL 5634300 (C.D. Ca. March 15, 2017);

Flores v. Express Services, Inc., 2017 WL 1177098 (E.D. Pa. March 30, 2017);

Miller v. Trans Union, LLC, 2017 WL 412641 (M.D. Pa. Jan. 18, 2017);

Larson v. Trans Union, LLC, No. 12-5726 (N.D. Ca. June 26, 2015);

Blandina v. Midland Funding, LLC, 2014 WL 7338744 (E.D. Pa. Dec. 23, 2014);

King v. General Information Services, Inc., C.A. No. 2:11-cv-06850 (E.D. Pa. Nov. 4, 2014);

Robinson v. General Information Services, Inc., C.A. No. 2:11-cv-07782 (E.D. Pa. Nov. 4, 2014);

Jones v. Midland Funding, LLC, 2013 WL 12286081 (D. Conn. Dec. 3, 2013);

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Sapp v. Experian Information Solutions, Inc., 2:10-cv-04312 (E.D. Pa. Jan. 29, 2013);

Reibstein v. Rite Aid Corporation, 2011 WL 192512 (E.D. Pa. Jan. 18, 2011);

McCall v. Drive Financial, January Term 2006, No. 0005 (C.P. Phila. July 20, 2010);

Serrano v. Sterling Testing Systems, Inc., 711 F.Supp.2d 402 (E.D. Pa. 2010);

Summerfield v. Equifax Information Services, LLC, 264 F.R.D. 133 (D.N.J. 2009);

Chakejian v. Equifax Information Services, LLC, 256 F.R.D. 492 (E.D. Pa. 2009);

Barel v. Bank of America, 255 F.R.D. 393 (E.D. Pa. 2009);

Markocki v. Old Republic National Title Ins. Co., 254 F.R.D. 242 (E.D. Pa. 2008);

Strausser v. ACB Receivables Management, Inc., 2008 WL 859224 (E.D. Pa. Mar. 28, 2008);

Allen v. Holiday Universal, Inc., 249 F.R.D. 166 (E.D. Pa. 2008);

Cohen v. Chicago Title Insurance Company, 242 F.R.D. 295 (E.D. Pa. 2007);

Jordan v. Commonwealth Financial Systems, Inc., 237 F.R.D. 132 (E.D. Pa. 2006);

Braun v. Wal-Mart Stores, Inc., 2005 WL 3623389 (C.P. Phila. Dec. 27, 2005);

Perry v. FleetBoston Financial Corp., 229 F.R.D. 105 (E.D. Pa. 2005);

Beck v. Maximus, Inc., 2005 WL 589749 (E.D. Pa. March 11, 2005);

Stoner v. CBA Information Services, 352 F.Supp.2d 549 (E.D. Pa. 2005);

Orloff v. Syndicated Office Systems, Inc., 2004 WL 870691 (E.D. Pa. April 22, 2004);

Petrolito v. Arrow Financial Services, LLC, 221 F.R.D. 303 (D. Conn. 2004);

Piper v. Portnoff Law Associates, Ltd., 216 F.R.D. 325 (E.D. Pa. 2003);

Bonett v. Education Debt Services, Inc., 2003 WL 21658267 (E.D. Pa. 2003).

GEOFFREY H. BASKERVILLE

GEOFF BASKERVILLE is admitted to practice before the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the District of New Jersey, as well as the Pennsylvania and New Jersey state courts. He is a 1982 graduate of Gettysburg College and a 1992 graduate of the Dickinson School of Law. During law school, Mr. Baskerville published an article entitled *Human Gene Therapy: Application, Ethics and Regulation* in the Dickinson Law Review, Vol. 96, No. 4.

Since graduating from law school, Mr. Baskerville has worked for both plaintiff and defense litigation firms practicing in the areas of medical malpractice, architect's and engineer's malpractice, the Federal Employer's Liability Act, and trucking litigation. In 2007, Mr. Baskerville began to practice in the area of consumer protection litigation, including fair credit reporting and fair debt collection.

Mr. Baskerville is an active member of his community and volunteers his time by serving on his local Land Use Board and Historic Preservation Commission.

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LAUREN KW BRENNAN

LAUREN BRENNAN joined Francis Mailman Soumilas, P.C. in 2013, and concentrates her practice on class action litigation on behalf of consumers harmed by credit reporting errors, inaccurate employment background screening, abusive debt collection practices, and other unfair and fraudulent trade practices.

Ms. Brennan is a 2008 graduate of Swarthmore College where she majored in political science and English literature. Ms. Brennan received her J.D. *cum laude* from Temple University's Beasley School of Law, where she was a Beasley Scholar and a member of the Temple Political & Civil Rights Law Review. While in law school, Ms. Brennan worked as a law clerk at the Federal Trade Commission Bureau of Consumer Protection, and served as a judicial intern for Chief Judge Eric L. Frank of the U.S. Bankruptcy Court for the Eastern District of Pennsylvania.

Ms. Brennan is admitted to practice in the U.S. Courts of Appeal for the Third, Seventh, Ninth, and Eleventh Circuits, in the state courts of Pennsylvania and New Jersey, as well as before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey.

JORDAN M. SARTELL

Jordan M. Sartell joined Francis Mailman Soumilas, P.C. in 2017 and litigates on behalf of consumers damaged by erroneous credit reports, inaccurate employment background checks, abusive debt collection practices, and other deceptive and unfair business practices.

A *summa cum laude* graduate of the DePaul University College of Law and member of the DePaul Law Review, Jordan began his legal career protecting vulnerable senior citizens from financial exploitation with Prairie State Legal Services in Wheaton, Illinois. His consumer protection practice with the Zamparo Law Group focused on debt collection abuses and credit reporting litigation. Jordan is admitted to practice in Illinois and before the United States District Court for the Northern District of Illinois.

Jordan lives in suburban Chicagoland with his wife and children where he volunteers regularly with the Willow Creek Community Church Legal Aid Ministry. He is a member of the National Association of Consumer Advocates, the DuPage County Bar Journal Editorial Board, and the DuPage County Volunteer Money Management Program Advisory Board.

ALEXIS I. LEHMANN

Alexis I. Lehmann, joined Francis Mailman Soumilas, P.C. in 2016 and represents individual consumers' rights under the Fair Debt Collections Practices Act and the Fair Credit Reporting Act, in addition to various other consumer protection laws. Prior to joining FMS, Alexis worked as a civil litigator for local and state law enforcement officers handling cases under

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Title VII, The Americans With Disabilities Act, The Age Discrimination in Employment Act and the First Amendment Free Speech and Petition Clause. She has won several jury trials, most notably a $1.97 million-dollar verdict against the Pennsylvania State Police in 2014 for discrimination in employment, and violations of the First Amendment and Equal Protection clause.

Alexis received her J.D. in 2009 from the University of Detroit Mercy School of Law. While attending law school, she received a Book Award for achieving excellence in Employment Discrimination and was an active member in the Women's Law Caucus. In 2007 she clerked for The Honorable Nicholas Tsoucalas in the New York Federal Court of International Trade, assisting in drafting opinions regarding trade adjustment benefits, countervailing duties and classifications of imported goods. Alexis obtained her Bachelor of Arts degree from Temple University where she was an NCAA scholarship athlete and four time All-American.

Alexis is admitted to practice in the Supreme Court of Pennsylvania, the Pennsylvania Eastern District Court, and the Court of Appeals for the Third Circuit.

JOSEPH GENTILCORE

Joseph Gentilcore focuses his practice on Fair Credit Reporting Act cases and other consumer protection matters under both state and federal law. He currently represents consumers in cases against credit card companies, banks, debt collectors, mortgage servicers and background check companies. Prior to joining FMS, Joseph worked with a New Jersey law firm helping to expand their consumer protection practice, and successfully litigated cases against numerous large financial institutions.

Joseph graduated Ursinus College in 2008, and Temple University School of Law in 2011. While still a student at Temple, he was certified to formally participate in legal proceedings and represented Pennsylvania in criminal misdemeanor trials in Philadelphia. Joseph was also on the executive board of Temple's Moot Court Honors Society. Every year since 2013, Joseph has been named a Rising Star by Pennsylvania Super Lawyers.

Joseph is licensed to practice in Pennsylvania and New Jersey, and is admitted in numerous federal districts throughout the country.

The Firm's Staff

The firm employs a highly qualified staff of paralegals, legal assistants and secretaries to advance its objectives.

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